Highlights of the 84th Texas Legislature

A Summary of Enrolled Legislation
Volume 2

Senate Research Center

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Acknowledgements

The Senate Research Center publishes the *Highlights of the Texas Legislature: A Summary of Enrolled Legislation* after each regular session of the Texas Legislature in order to centralize information relating to enrolled legislation.

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Judge's or Justice's Interest in Private Correctional or Rehabilitation Facility—H.B. 257
by Representative Farney et al.—Senate Sponsor: Senators Huffman and Zaffirini

Certain justices or judges in Texas are prohibited from having a significant interest in a business entity that owns, manages, or operates certain community residential facilities or correctional or rehabilitation facilities. A significant interest is defined by statute if the judge or justice owns any voting stock or shares or has a direct investment in the business entity that represents the lesser of at least 10 percent or $15,000 of the fair market value of that entity. Interested parties contend that it presents a conflict for a justice or judge to have any direct investment in these facilities. This bill:

Removes the statutory threshold of the lesser of at least 10 percent or $15,000 of the fair market value of the business entity.

Caretaker Exemption From Jury Service—H.B. 866
by Representative Ed Thompson—Senate Sponsor: Senator Huffman

The Government Code outlines the statutory exemptions from serving on a jury, including an exemption for a person who "is the primary caretaker of a person who is an invalid unable to care for himself." The term "invalid," used in the past to refer to a person with a serious illness or disability, is no longer in common usage. This bill:

Amends the statute regarding an exemption from jury service to strike the term "invalid" and make the language gender-neutral.

Abolishing the Orange County Child Support Office—H.B. 884
by Representative Phelan—Senate Sponsor: Senator Nichols

The Orange County child support office was created in the late 1980s to facilitate the accurate payment and remittance of child support obligations. Since that time, this responsibility has moved to the Office of the Attorney General, rendering the child support office unnecessary. This bill:

Changes references to:

- the Orange County child support fund to the divorce and contempt fees fund.
- the Orange County child support office (office) to the Orange County Juvenile Board (OCJB).

Provides that the office is abolished on the effective date of this Act.

Transfers:

- the obligations, rights, records, equipment, and personnel of the office to OCJB; and
- any money remaining in the child support fund to the divorce and contempt fees fund.

Determining Child Support Obligations of Incarcerated Person—H.B. 943
by Representative Senfronia Thompson —Senate Sponsor: Senator Rodríguez

Under current law, if a parent does not submit wage or salary evidence to the judge determining the parent's child support payment amounts, the judge must presume that the parent is working 40 hours per week at the federal minimum wage. Current law does not allow a court to account for an incarcerated parent's inability to appear at hearings or submit evidence for this purpose. This results in the incarcerated parent accumulating substantial amounts of child support debt while incarcerated. When the parent is released, this debt may prevent successful reintegration. The state may also inefficiently expend effort attempting to collect such child support payments. This bill:

Provides that the statutory wage and salary presumption does not apply if the court finds that the party is:

- subject to an order of confinement that exceeds 90 days; and
- is incarcerated in a local, state, or federal jail or prison at the time the court makes the determination regarding the party's income.

Distribution of Certain Payments Received by the Attorney General—H.B. 1079
by Representative Senfronia Thompson et al.—Senate Sponsor: Senator Perry

Under current law, the comptroller of public accounts of the State of Texas is required to credit certain awards or judgments to the judicial fund for programs approved by the Supreme Court of Texas that provide basic civil legal services to the indigent, unless the judgment or statute requires that the monies be deposited into another fund or awarded to a recipient. These include awards and judgments recovered by the attorney general in an action under the Texas Deceptive Trade Practices Act (DTPA) or civil restitution recovered by the attorney general in an action brought by the attorney general arising from conduct that violates a consumer protection, public health, or general welfare law. This bill:

Expands the current statute requiring that certain payments received by the attorney general be credited to the judicial fund to include:

- a civil penalty or payment, excluding attorney's fees or costs, that is recovered in an action by the attorney general in any matter actionable under the Business and Commerce Code; and
- any civil restitution recovered by the attorney general in an action brought by the attorney general.

Definition of State Judge for Personal Identification Laws—H.B. 1080
by Representative Hughes—Senate Sponsor: Senator Van Taylor

Currently, only a federal judge, a state judge, or the spouse of a federal or state judge may use the courthouse street address in lieu of the person's residence street address on the person's driver's license application. This authorization allows judges to keep their home address confidential. However, this authorization does not extend to certain judges, including those who deal with certain civil commitments. This bill:

Redefines "state judge" to include the judge of a statutory probate court of this state and an associate judge appointed under Chapter 54A (Associate Judges), Government Code, or Chapter 574 (Court-Ordered Mental Health Services), Health and Safety Code.

Preservation of Toxicological Evidence—H.B. 1264

by Representative Wu—Senate Sponsor: Senator Huffman

Although current law provides rules for retention and storage of biological material, it does not differentiate toxicological evidence from biological evidence. Unlike biological evidence, toxicological evidence is not used for identification purposes and no longer has any evidentiary value following disposition of a case. However, there is no code provision for the disposal of the blood and urine evidence collected in alcohol-related offenses. This bill:

Defines "toxicological evidence."

Applies to a governmental or public entity or an individual, including a law enforcement agency, prosecutor's office, or crime laboratory, that is charged with the collection, storage, preservation, analysis, or retrieval of toxicological evidence.

Requires that toxicological evidence collected pursuant to an investigation or prosecution of an offense under Chapter 49, Penal Code, is retained and preserved under the conditions set forth.

Requires the court to determine as soon as practicable the appropriate retention and preservation period for the toxicological evidence and notify the defendant and the entity or individual charged with storage of the toxicological evidence of the period for which the evidence is to be retained and preserved.

Authorizes the entity or individual charged with storing toxicological evidence to destroy the evidence on expiration of the period provided by the notice most recently issued by the court.

Travel Expenses Incurred by Court Reporters in Certain Judicial Districts—H.B. 1306

by Representative Hughes—Senate Sponsor: Senator Zaffirini

Under current state law, district court reporters of a district composed of more than one county may not be reimbursed more than 25 cents per mile for use of their private vehicles when traveling outside of their county of residence. The current federal reimbursement rate for business travel is significantly higher. This bill:

Strikes the statutory rate cap.

Provides that reimbursement for travel expenses may not exceed the reasonable mileage rate set by the commissioners court of the respective county of the judicial district for which the expenses are incurred.

Payment of Costs Incurred in Certain Mental Health Proceedings—H.B. 1329
by Representative Naishtat—Senate Sponsor: Senator Zaffirini

Generally, a county that initiates mental health proceedings, whether by emergency detention or by filing an application for inpatient commitment, is responsible for any court costs. Interested parties are concerned that state law is ambiguous regarding who is responsible for costs when an entity other than the county initiates such a proceeding. This bill:

Requires that the costs for a hearing or proceeding under the Texas Mental Health Code must be paid by the county in which the emergency detention procedures are initiated, rather than the county that that initiates such proceedings.

Prohibits a county from paying the costs from any fees collected under Section 51.704 (Additional Fees in Statutory Probate Courts), Government Code.

Appeal of a Residential Eviction Suit—H.B. 1334
by Representatives Clardy and Moody—Senate Sponsor: Senator Menéndez

Currently, a tenant is authorized to appeal a judgment in an eviction case by filing a bond, making a cash deposit, or filing a statement of inability to pay with the justice court. However, interested parties contend that there is no process to verify whether an appeal bond is valid nor is there any requirement that a tenant who files an appeal bond pay money into the court registry to cover the cost of rent while the appeal is pending. The parties express concern that this lack of a verification process and deposit requirement leads to an abuse of appeal bonds by tenants attempting to delay legitimate evictions. This bill:

Requires the justice court, in a residential eviction suit for nonpayment of rent, to state in the court's judgment the amount of the appeal bond, taking into consideration the money required to be paid into the court registry under this Act.

Requires that the bond must require the surety to provide the surety's contact information.

Provides that this Act does not apply to an appeal bond issued by a corporate surety authorized by the Texas Department of Insurance to engage in business in this state.

Sets forth the procedure by which the opposing party, if a party appeals the judgment of a justice court filing an appeal bond, may contest the bond amount, form of the bond, or financial ability of a surety to pay the bond.

Provides that the contesting party has the burden to prove, by a preponderance of the evidence, that the amount or form of the bond, as applicable, is insufficient.

Requires the party filing the bond, if a party contests the financial ability of a surety to pay the bond, to prove, by a preponderance of the evidence, that the surety has sufficient nonexempt assets to pay the appeal bond.

Requires the justice court to disapprove the bond if it determines that the amount or form of the bond is insufficient or that the surety does not have sufficient nonexempt assets to pay the bond.

Provides that the failure of the surety to appear at the hearing is prima facie evidence that the bond should be disapproved.

Authorizes the party appealing, if the bond is disapproved, to make a cash deposit, file a sworn statement of inability to pay with the justice court, or appeal the decision disapproving the appeal bond to the county court. If the party fails to take any such actions, the judgment of the justice court becomes final and a writ of possession and other processes to enforce the judgment must be issued on the payment of the required fee.

Requires the justice court, if an appeal is filed, to transmit the contest to the appeal bond to the county court.

Requires the county court to hear the contest de novo and sets forth the procedure.

Provides that if the county court disapproves the appeal bond, the party may perfect the appeal of the judgment on the eviction suit by making a cash deposit in the justice court in an amount determined by the county court or by filing a sworn statement of inability to pay with the justice court.

Provides that if the appealing party fails to timely pay the cash deposit or file a sworn statement of inability to pay, and the appealing party is:

- the tenant, the judgment of the justice court becomes final and a writ of possession and other processes to enforce the judgment must be issued on the payment of the required fee; or
- the landlord, the judgment of the justice court becomes final.

Provides that if the appeal bond is approved by the county court, the justice court must proceed as if the appeal bond was originally approved.

Provides that a party may contest the appeal bond in the county court after the county court has jurisdiction over the eviction suit.

Authorizes the county court, once it has jurisdiction over the eviction suit, to modify the amount or form of the bond and determine the sufficiency of the surety.

Requires a tenant filing an appeal bond to pay into the justice court registry the amount of rent to be paid in one rental pay period, as determined by the court.

Provides that if the tenant fails to timely pay this amount into the registry and the transcript has not yet been transmitted to the county court, the plaintiff may request a writ of possession. Requires the justice court to, on request and payment of the applicable fee, immediately issue the writ of possession without a hearing.

Requires the justice court, regardless of whether a writ of possession is issued, to transmit the transcript and appeal documents to the county court for trial de novo on issues relating to possession, rent, or attorney's fees.

Authorizes the plaintiff in the eviction suit, on a sworn motion and hearing, to withdraw money deposited in the court registry before the final determination in the case, dismissal of the appeal, or order of the court after final hearing.

Actions Asserting Asbestos-Related or Silica-Related Injuries—H.B. 1492

by Representative Doug Miller et al.—Senate Sponsor: Senator Schwertner

Persons suffering from asbestos-related diseases have access to compensation through both asbestos trusts and the court system. Due to the costs of asbestos litigation, many asbestos product manufacturers have filed for bankruptcy protection. These companies have created trusts that compensate claimants, through an administrative process, for injuries from asbestos-related diseases. In addition to trust claims, claimants may also pursue lawsuits against solvent businesses. Because money is paid out of asbestos trusts independent of any past, pending, or future litigation, the current compensation system is subject to manipulation. Some attorneys routinely deny that their clients were exposed to other sources of asbestos. After recovery is obtained against solvent defendants, these attorneys then pursue claims against asbestos trusts for compensation, citing exposure that was withheld during litigation. This bill:

Adds Subchapter B (Asbestos or Silica Trust Claims) to Chapter 90, Civil Practice and Remedies Code:

- Requires the multi-district litigation pretrial court (MDL pretrial court) to dismiss certain actions for a silica-related injury on or before August 31, 2015, and all actions for an asbestos-related injury dismissed on or before December 31, 2015.
- Defines "asbestos or silica trust," "trust claim," and "trust claim material.
- Requires a claimant who has filed an action to recover damages arising from an asbestos- or silica-related injury to make a trust claim against each asbestos or silica trust that the claimant believes may owe damages to the claimant.
- Sets forth when the trust claim must be filed.
- Authorizes a claimant to file a motion seeking relief from the obligation to make a trust claim if the claimant believes that the fees and expenses for filing the trust claim exceed the claimant's reasonably anticipated recovery from the trust.
- Requires the court, if such a motion is filed, to determine whether the claimant's fees and expenses for making such claim exceed the claimant's reasonably anticipated recovery from the trust.
- Exempts the claimant from making a trust claim if the court determines that the claimant's fees and expenses exceed the claimant's reasonably anticipated recovery, but requires that claimant to provide the court with a verified statement of the person's exposure history to asbestos or silica that is covered by the trust.
- Requires a claimant in an action to recover damages arising from an asbestos- or silica-related injury to serve on each party notice of, and trust claim material relating to, each trust claim made by the exposed person.
- Sets forth what such notice must include and when the notice must be served.
- Requires a claimant who discovers that the notice or trust claim materials are incomplete to supplement the notice and the production of trust claim materials.
- Sets forth when the supplementation notice must be served.
- Prohibits MDL pretrial court from remanding an action to a trial court and a trial court from commencing trial unless the claimant has complied with this subchapter regarding the making and serving of trust claims.

- Authorizes a trial court to sanction a claimant who received compensation from an asbestos or silica trust for an injury that also gave rise to a judgment against a defendant if the claimant failed to serve the relevant notice and trust claim material.
- Provides that these provisions may not be construed to require payment of a trust claim by an asbestos or silica trust before the MDL pretrial court remands the action for trial or before a judgment is rendered in the action.
- Authorizes a defendant to file a motion requesting a stay of the proceedings.
- Requires such motion to include a list of asbestos or silica trusts not disclosed by the claimant against which the defendant in good faith believes that the claimant may make a successful trust claim and information supporting the additional trust claim.
- Sets forth the dates for filing the motion and date for responding to such motion.
- Authorizes the claimant to file a response to the motion:
    - providing proof that the claimant has made a trust claim identified in the motion and served the notice of, and trust claim material relating to, the claim; or
    - requesting a determination by the court that the fees and expenses for filing a trust claim identified in the motion exceed the claimant's reasonably anticipated recovery from the trust.
- Requires the court to grant a motion to stay if the court determines that the motion was timely filed and the claimant is likely to receive compensation from a trust identified by the motion.
- Provides that the stay continues until the claimant provides proof that the claimant has made the claim and served notice of, and trust claim material relating to, the claim.
- Prohibits the court from staying the proceedings if the court determines that either that the claimant has satisfied the requirements regarding trust claims or that the fees and expenses for filing the identified trust claim exceed the claimant's reasonably anticipated recovery from the trust.
- Provides that trust claim material is presumed to:
    - be authentic, relevant, and discoverable in an action to which this subchapter applies; and
    - not be privileged in an action to which this subchapter applies, notwithstanding any agreement.

Doctrine of Forum Non Conveniens—H.B. 1692

by Representative Sheets—Senate Sponsor: Senator Huffman

Under the doctrine of forum non conveniens, a court may dismiss a lawsuit if another court is a more appropriate forum to hear the case. The doctrine allows a Texas court to dismiss a lawsuit that has little or no connection to the state. Most jurisdictions consider the legal residency of the plaintiff as one of many factors in a balancing test, but Texas uses residency alone as the basis to maintain a lawsuit in Texas. The Texas definition of legal resident is so broad as to allow resident intervenors to bring a case from nonresidents into the state. This bill:

Prohibits a court from staying or dismissing a plaintiff's claim if the plaintiff is a derivative claimant of a legal resident of this state.

Provides that the determination regarding whether a claim may be stayed or dismissed must be without regard to:

- whether the claim of any other plaintiff may be stayed or dismissed; and

- a plaintiff's country of citizenship or national origin.

Strikes language:

- barring a court from staying or dismissing an action if the plaintiffs who are legal residents of this state are properly joined in the action and the action arose out of a single occurrence; and
- requiring the court to dismiss a claim if the court finds by a preponderance of the evidence that a party was joined solely for the purpose of obtaining or maintaining jurisdiction in Texas and the party's claim would be more properly heard in a forum outside this state.

Defines "derivative claimant" and strikes definition of "legal resident."

Modifies definition of "plaintiff":

- provides that the term does not include a representative, administrator, guardian, or next friend who is not otherwise a derivative claimant of a legal resident of this state; and
- strikes provision stating that the term does not include a person who accepts an appointment as a personal representative in a wrongful death action in bad faith for purposes of affecting in any way the application of this section.

Release of Confidential Patient Information in Certain Judicial Proceedings—H.B. 1779

by Representative Murr—Senate Sponsor: Senator Uresti

Currently, Chapter 159 (Physician-Patient Communication), Occupations Code, is ambiguous as to when a physician's office is required to release medical records under a court subpoena or order when the patient is not a party to the case. The Health and Safety Code, which governs hospitals, provides that hospitals may release records under any subpoena when the patient is a party to the case. If the patient is not a party to the case, a hospital does not disclose the information unless there is a court order. This bill:

Provides that a physician may release or disclose without the patient's authorization or consent any communication or record that is otherwise confidential and privileged if the disclosure or release is:

- related to a judicial proceeding in which the patient is a party; and
- is requested under a subpoena issued under the Texas Rules of Civil Procedure, the Code of Criminal Procedure, or Chapter 121 (Acknowledgements and Proofs of Written Instruments), Civil Practice and Remedies Code.

Provides that this Act does not prevent a physician from claiming the privilege of confidentiality on behalf of a patient.

Who May Serve as Special Judges—H.B. 1923

by Representative Naishtat—Senate Sponsor: Senator Rodríguez

Under current law, civil or family lawsuits that are pending in a district court, statutory probate court, or statutory county court can be referred by the presiding judge to a special judge. However, retired statutory probate court judges are not currently authorized to serve as special judges. Allowing retired statutory probate court judges to serve as special judges would help lessen the burden on the dockets. This bill:

Expands the current statute regarding who can serve as a special judge to include a retired or former statutory probate court judge.

Qualifications of a Grand Juror—H.B. 2150

by Representative Alvarado et al.—Senate Sponsor: Senator Whitmire et al.

Under current law, a district judge must appoint not less than three nor more than five persons to act as jury commissioners (commissioners). These commissioners then select citizens of the county to be summoned as grand jurors. This is known as the key-man system. In the alternative, the judge may direct that 20 to 125 prospective grand jurors be selected and summoned. Critics of the commissioner system for selecting grand jurors argue that a judge may appoint individuals familiar with the judge and that the commissioners then select the grand jurors from their acquaintances. This may lead to a grand jury that is not representative of the county population. In 1977, the United States Supreme Court warned the Texas system is highly subjective and susceptible to abuse as applied. Only Texas and California use the key-man system for selecting grand jury members. The federal court system and other states use the random jury pool call and selection method. Approximately one-half of the state courts in Texas have switched to using the random jury call pool method. This bill:

Strikes all statutory provisions, and repeals relevant statutes, regarding the jury commissioner system.

Provides that a district judge must, rather than may, direct that 20 to 125 prospective grand jurors be selected and summoned.

Provides that when less than 16, rather than 14, of those summoned to serve as grand jurors are found to be in attendance and qualified to so serve, the court must order the sheriff to summon such additional number of persons as may be deemed necessary to constitute a grand jury of twelve persons and four, rather than two, alternates.

Requires that a potential grand juror be asked whether the person has ever been convicted of, or under indictment for, misdemeanor theft.

Provides that when at least 16, rather than 14, qualified jurors are found to be present, the court must select twelve fair and impartial persons to serve as grand jurors and four additional persons to serve as alternate grand jurors.

Requires that the grand jurors and the alternate grand jurors be randomly selected from a fair cross section of the population of the area served by the court.

Authorizes a court to dismiss a grand juror for any reason that the court determines constitutes good cause for dismissing the juror.

Sets forth challenges that made be made orally regarding a particular grand juror, including that the juror is insane to that the juror is related within the third degree by consanguinity or affinity to a person accused or suspected of committing an offense that the grand jury is investigating.

Provides that a challenge may be made ex parte and must shall be reviewed and ruled on in an in camera proceeding.

Requires the court to seal any record of the challenge.

Requires a juror, if during the course of a juror's service on the grand jury, the juror determines that the juror could be subject to a valid challenge for cause, to recuse himself or herself from grand jury service until the cause no longer exists.

Provides that a juror who knowingly fails to recuse himself or herself may be held in contempt of court.

Requires the court to instruct the grand jury as to this duty.

Fees Collected and Refunded by County or District Clerk—H.B. 2182

by Representative Clardy et al.—Senate Sponsor: Senator Creighton

Many district court clerks also serve as the clerk for the statutory county courts in their respective areas and therefore have to assess different fees for many of the cases over which the district and statutory county courts share jurisdiction. Additionally, many of the fees at the local court level have not changed in decades, even though the costs that those fees are intended to cover have increased significantly. This bill:

Provides that certain cash funds deposited by a defendant with the court on the execution of a bail bond may be refunded in the amount shown on the face of the receipt, less an administrative fee.

Increases the jury fee paid by a defendant convicted by a jury in a county court, a county court at law, or a district court from $20 to $40.

Authorizes the commissioners court of a county to adopt certain district court records archive fees in any court in the county for which the district clerk accepts filings as part of the county's annual budget, rather than a district court.

Requires a district clerk to collect the same fees for performing services related to a matter filed in a statutory county court as charged for those services in the district court.

Increases the jury fee for each civil case:

- the district clerk must collect from $30 to $40; and
- the clerk of a county court or statutory county court must collect from $22 to $40.

Increases the fee that a county court must collect for a claim against an estate from $2 to $10.

Repealing Office of Public Defender in Randall County—H.B. 2193
by Representative Smithee—Senate Sponsor: Senator Seliger

In 2001, the legislature repealed numerous statutory provisions relating to individual county public defenders offices in order to better organize and more uniformly administer the programs throughout the state. However, due to a clerical error, the statutory provision relating to the public defender in Randall County was not repealed among the other articles. This bill:

Repeals Article 26.053 (Public Defender in Randall County), Code of Criminal Procedure.

Authorizing Associate Judges to Conduct Marriage Ceremony—H.B. 2278
by Representative Muñoz, Jr.—Senate Sponsor: Senator Uresti

Many judges are authorized under current law to conduct a marriage ceremony, but associate judges and retired associate judges do not have that authority. This bill:

Expands current law authorizing certain persons to conduct a marriage ceremony to include an associate judge of a statutory probate court, a retired associate judge of a statutory probate court, an associate judge of a county court at law, and a retired associate judge of a county court at law.

Financial Records Requests—H.B. 2394
by Representatives Darby and Fallon—Senate Sponsor: Senator Creighton

During a lawsuit, a litigator may request financial records from a bank or other financial institution and the litigator is required to reimburse the financial institution for such records. Financial institutions have expressed concerns that litigators often fail to do so, and the institutions are therefore faced with producing records without compensation or be held in contempt of court for refusing to fulfill a records request. This bill:

Prohibits a court from ordering a financial institution to produce a customer record in response to a request and from finding a financial institution to be in contempt of court for failing to produce such records if the requesting party has not paid the financial institution's costs of complying with the records request or posted a cost bond to cover those costs as required under the Texas Banking Act.

Petit Juror Qualifications—H.B. 2747
by Representatives Landgraf and Faircloth—Senate Sponsor: Senator Creighton

The current law setting forth the qualifications for a petit juror includes a provision requiring that the juror be a must be "a citizen of this state and of the county in which the person is to serve as a juror." Some have expressed concern that this language may confuse potential jurors and could result in a person being summoned for jury service when that person is no longer a resident of the summoning county. This bill:

Changes the word "citizen" to "resident."

Adds a provision requiring that the person must be a citizen of the United States.

Appeal of a Judgment in Certain Eviction Suits—H.B. 3364
by Representative Schofield—Senate Sponsor: Senator Bettencourt

The current process for the appeal of the final judgment of a county court in an eviction suit applies to both residential and commercial evictions. There are concerns that allowing commercial tenants to remain on the property after a final judgment has been issued is costly to small business owners who often cannot recoup this rent. This bill:

Provides that a final judgment of a county court in an eviction suit may not be appealed on the issue of possession unless the premises in question are being used for residential purposes only.

Uniform Interstate Family Support Act—H.B. 3538
by Representative Smithee—Senate Sponsor: Senator West

On September 29, 2014, the President of the United States signed the Preventing Sex Trafficking and Strengthening Families Act, Public Law 113-183, requiring the verbatim adoption by states of the Uniform Interstate Family Support Act (UIFSA) 2008. All states are required to submit a state plan amendment certifying to the Secretary of the United States Department of Health and Human Services that the state has enacted UIFSA 2008 verbatim. This requires Texas to pass UIFSA 2008 during the 84th Legislature to avoid the potential loss of federal funding. UIFSA 2008 is essentially a reauthorization of the existing law under which Texas is currently operating. The recent amendments to UIFSA must be approved as drafted in order to receive federal funding under Title IV-D of UIFSA and to be eligible for a Temporary Assistance for Needy Families block grant. Disapproval of the state plan could result in immediate suspension of all federal payments for the state's child support enforcement program. This bill:

Authorizes a petitioner and the Office of the Attorney General to initiate proceedings for recognition and enforcement of support orders and for establishment of support orders if none exist, including determination of parentage of a child. Sets forth the procedure for initiating such proceedings.

Requires that certain information accompany any support order sought to be registered in this state, including proof of enforceability, proof that the respondent was given proper notice and representation in any proceeding, and the amount of support in arrears. Sets forth certain procedures for contesting a registered support order.

Authorizes a court to refuse to recognize and enforce a support order under certain circumstances, including public policy, fraud, lack of authenticity, incompatibility with other orders, and improper notice to the respondent. Provides courts with certain options if they do not recognize support orders, including partial enforcement and establishing new Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance (Hague Convention) support orders.

Adopts the 2008 amendments to the UIFSA in order to bring state law in line with the Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance to provide for the enforcement of American child support orders abroad.

Prohibits a court from modifying a Hague Convention child support order if the obligee remains in the foreign country, unless the obligee submits to the jurisdiction of the state or the foreign tribunal lacks or refuses to exercise jurisdiction.

Scientific Evidence Regarding a Writ of Habeas Corpus—H.B. 3724
by Representative Herrero—Senate Sponsor: Senator Whitmire

A recent Court of Criminal Appeals decision held that a defendant may have his or her conviction reexamined if an expert who testified at the defendant's trial later retracts his or her testimony, casting doubt on the integrity of the conviction. Current law allows an individual to challenge a conviction if the conviction was based on debunked or otherwise discredited scientific evidence that was used in the trial. The Court of Criminal Appeals decision considered whether the law applies in cases where a scientific expert sincerely thought something was true at the time the expert testified, but the expert's understanding and opinions changed after trial, based on new knowledge and advances in science. This bill:

Amends current law to require a court, in determining whether relevant scientific evidence was not ascertainable through the exercise of reasonable diligence, to consider whether a testifying expert's scientific knowledge on which the relevant scientific evidence is based has changed.

Temporary Order in Family Law Proceedings—H.B. 4086
by Representative Muñoz, Jr. —Senate Sponsor: Senator Rodríguez

Under the Family Code, a party may request a de novo hearing of an associate judge's report or order before the referring court. However, the current statute does not include temporary orders issued by the associate judge. This bill:

Expands the statute to include the rendering of the temporary order by an associate judge.

Oaths and Affirmations of Certain Municipal Court Judges—H.B. 4103 [VETOED]
by Representative Guillen—Senate Sponsor: Senator Garcia

The Texas Constitution requires all elected and appointed officials to take an oath of office and file an affirmation before assuming their duties. Under the Government Code, a municipal court judge may be automatically reappointed if the judge serve for 91 days after the expiration of the judge's term and the appointing entity takes no action. Neither the Government Code nor the Texas Constitution address whether the oath of office or affirmation must be re-administered in this situation. The current wording of the statute leaves open the possibility of a challenge to the authority of such reappointed judges and their judgments being declared void. This bill:

Provides that a municipal court judge who continues to serve for another term of office may continue to perform the duties of the office without taking an additional oath or affirmation.

Powers of the Harrison County Court at Law—H.B. 4199
by Representative Paddie—Senate Sponsor: Senator Eltife

Harrison County Court at Law recently became a full-time court, and many observers contend that the court's jurisdiction should be expanded in order to increase judicial efficiency. This bill:

Expands the jurisdiction of the Harrison County Court at Law to have concurrent jurisdiction with the district court of Harrison County in all felony criminal matters and cases, with the exception of capital murder.

Entitles the criminal district attorney to the same fees prescribed by law for prosecutions in the county and district court.

Elimination of Certain Court Fees and Costs—S.B. 287
by Senator West—House Sponsor: Representative Smithee

S.B. 1908 (West et al.; SP: Lewis), 83rd Legislature, Regular Session, 2013, required the Office of Court Administration (OCA) to conduct a study to review and determine the necessity of all court costs and fees. The report associated with this study identified obsolete fees. This bill:

Provides that in a justice or municipal court, a cost is not payable by the person charged with the cost until a written bill is produced, or ready to be produced, containing the items of cost and is signed by the officer who charged the cost or the officer who is entitled to receive payment for the cost.

Provides that in a court other than a justice or municipal court, a cost is not payable by the person charged with the cost until a written bill containing the items of cost is produced, signed by the officer who charged the cost or the officer who is entitled to receive payment for the cost, and provided to the person charged with the cost.

Repeals the following court costs and fees:

- a $7 court cost on conviction of a Class C misdemeanor in Harris County;
- a $5 fee for filing an additional petition for review of an appraisal review board order;
- a $10 fee for certain actions against railroad companies; and
- a $2 fee for the heading of an application to secure the pension of a Confederate soldier.

Annual Report of the State Commission on Judicial Conduct—S.B. 306
by Senator Zaffirini—House Sponsor: Representative Raymond

The State Commission on Judicial Conduct (SCJC) is required by the Texas Constitution to protect the confidentiality of complaints. This encourages attorneys to speak candidly during a judicial misconduct investigation and protects judges from public disclosure of frivolous complaints. Section 33.005 (Annual Report), Government Code, requires SCJC to submit an annual report to the Texas Legislature and sets forth what this report must include. This document permits the public and the legislature to examine the extent of fairness and efficiency in SCJC's disciplinary process. Current law does not require this report to include any particular set of statistical data. This bill:

Requires that the report include in the annual statistical information for the preceding fiscal year the number of:

- complaints received alleging judicial misconduct or disability;
- complaints dismissed without action, other than investigation, because the evidence did not support the allegation or appearance of judicial misconduct or disability;
- complaints dismissed without action, other than investigation, because the facts alleged did not constitute judicial misconduct or disability;
- complaints dismissed without commission action, other than investigation, because the allegation or appearance of judicial misconduct or disability was determined to be unfounded or frivolous; and
- each type of judicial misconduct or disability that resulted in sanction or censure of a judge.

Prioritization of Legal Defense Services for Indigent Defendants—S.B. 316

by Senator Hinojosa—House Sponsor: Representative Leach

The use of public defenders is governed by Article 26.04 (Procedures for Appointing Counsel), Code of Criminal Procedure, which provides that in a county in which a public defender's office is created or designated, a court may appoint a public defender to represent qualifying defendants. Some courts are not assigning public defenders to qualifying defendants, even when the case is one where the use of a public defender is warranted. This can undermine the rights of the accused and waste taxpayer money that funds the office. This bill:

Requires a court in a county with a public defender's office to give priority in appointing the office to represent the defendant.

Provides that the court is not required to appoint the public defender's office if the court has reason to appoint other counsel or a managed assigned counsel program also exists in the county and an attorney will be appointed under that program.

Creation of a Special Three-Judge District Court—S.B. 455

by Senator Creighton—House Sponsor: Representative Schofield

Under current Texas law, legal cases against the state that are of significant statewide importance are tried, like other cases, in a county district court of original jurisdiction. The problem with this system for these select kinds of cases is that review on appeal is bound by the findings and scope of the trial court. One county district court is able to set the tone for an entire case with statewide impact. This bill:

Adds Chapter 22A (Special Three-Judge District Court) to the Government Code:

- Authorizes the Texas attorney general (attorney general) to petition the chief justice of the Supreme Court of Texas (supreme court) to convene a special three-judge district court (special court) in any suit filed in a district court in which this state, a state officer, or a state agency is a defendant in a claim that:
  - challenges the finances or operations of this state's public school system; or
  - involves the apportionment of districts for the Texas Legislature, the State Board of Education, the United States Congress, or state judicial districts.

- Provides that the petition filed by the attorney general stays all proceedings in the district court in which the original case was filed until the chief justice acts on the petition.
- Requires that the chief justice, within a reasonable time after receipt of the petition, grant the petition and issue an order transferring the case to a special court.
- Requires that the chief justice order a special court to convene and appoint three persons to serve on the court as follows:
  - the district judge of the judicial district to which the original case was assigned;
  - one district judge of a judicial district, other than a judicial district in the same county as the judicial district to which the original case was assigned; and
  - one justice of a court of appeals other than:
    - the court of appeals in the court of appeals district in which the original case was assigned; or
    - a court of appeals district in which the appointed district judge sits.
- Requires that any appointed judge or justice to have been elected to that office and not be serving an appointed term.
- Requires that the special court conduct all hearings in the district court to which the original case was assigned and permits it to use the courtroom, other facilities, and administrative support of that district court.
- Requires that the Office of Court Administration of the Texas Judicial System pay the travel expenses and other incidental costs related to convening a special court.
- Defines "related case."
- Requires that the special court, on the motion of any party, consolidate any related case pending in any district court or other court in this state with the cause of action before the special court.
- Requires that a consolidated case be transferred to the special court if the special court finds that transfer is necessary.
- Provides that the transfer may occur without the consent of the parties to the related case or of the court in which the related case is pending.
- Provides that, except as otherwise provided, the Texas Rules of Civil Procedure and all other statutes and rules applicable to civil litigation in a district court in this state apply to proceedings before a special court.
- Authorizes the supreme court to adopt rules for the operation of a special court.
- Authorizes a judge or justice of the special court, with the unanimous consent of the three judges sitting on a special court, to:
  - independently conduct pretrial proceedings; and
  - enter interlocutory orders before trial.
- Prohibits a judge or justice of a special court from independently entering a temporary restraining order or any order that finally disposes of a claim before the special court.
- Provides that any independent action taken by one judge or justice of a special court may be reviewed by the entire special court at any time before final judgment.
- Provides that an appeal from an appealable interlocutory order or final judgment of a special court is to the supreme court.
- Authorizes the supreme court to adopt rules for such appeals.

Postconviction Forensic DNA Analysis—S.B. 487

by Senator Ellis et al.—House Sponsor: Representative Senfronia Thompson

Chapter 64 (Motion for Forensic DNA Testing), Code of Criminal Procedure, allows for post-conviction DNA testing in criminal cases. On February 2, 2014, the Texas Court of Criminal Appeals (court), in *The State of Texas v. Larry Ray Swearingen*, reaffirmed that a person seeking to test evidence under Chapter 64 must establish that biological evidence exists before a judge can allow testing. This new interpretation severely restricts a judge's ability to order DNA testing, even when the defendant has shown that the evidence in question is likely to contain biological material. The court also rejected the argument that the requirement under Chapter 64 that DNA results be run through the federal CODIS (Combined DNA Index System) database meant that if the DNA was not from the convicted person and generated a match on CODIS, this was exculpatory evidence. This bill:

Authorizes a convicted person to submit a motion for forensic DNA testing of evidence that has a reasonable likelihood of containing biological material.

Authorizes a convicting court to order forensic DNA testing if there is a reasonable likelihood that the evidence contains biological material suitable for DNA testing.

Oath of a Person Admitted to Practice Law in Texas—S.B. 534

by Senator Watson et al.—House Sponsor: Representative Smithee

The American Board of Trial Advocates, as part of its efforts to promote civility in the legal profession, has recommended that states incorporate civility language in the oaths required for attorneys admitted to practice law in that state. Fifteen states have adopted such language. Section 82.037(a), Government Code, requires each person admitted to practice law to take an oath setting forth certain specific duties and obligations before receiving a license. This bill:

Adds to the current statutory attorney's oath the phrase, "conduct oneself with integrity and civility in dealing and communicating with the court and all parties."

Amends the language of Section 82.037(a) to make it gender-neutral.

Jury Appreciation Week—S.B. 565

by Senator West—House Sponsor: Representative Smithee

The work of juries is extremely important to the functioning of democracy, and without it many of the liberties and freedoms we have as a society could be in jeopardy. This bill:

Establishes the first seven days in May as Jury Appreciation Week in recognition of the outstanding and important contributions made by Texas citizens who serve as jurors.

Truth as a Defense in Certain Libel Actions—S.B. 627
by Senator Huffman—House Sponsor: Representative Hunter

Section 73.002 (Privileged Matters), Civil Practice and Remedies Code, provides that the publication by a newspaper or other periodical of a matter covered by this section is privileged and is not a ground for a libel action. Such privileged materials include fair and impartial accounts of judicial and other official proceedings and the proceedings of a public meeting. Following the Texas Supreme Court's decision in *McIlvain v. Jacobs*, 794 S.W.2d 14 (Tex. 1990), some Texas courts have applied the "third-party allegation rule," which shields journalists who accurately report the allegations of third parties from liability for defamation, even if those allegations were later found to be false.

On June 28, 2013, in *Neely v. Wilson*, the Texas Supreme Court overruled a lower court's summary judgment in favor of a television news station that had reported on legal actions and investigations involving a neurosurgeon. Some interpreted *Neely as* effectively overturning the third-party allegation rule. On January 31, 2014, the Texas Supreme Court issued a corrected opinion in *Neely*, but declined to expressly recognize the third-party allegation rule. Many in the media have expressed concern that it is now unclear whether news organizations have protection under *McIlvain* if they truthfully report allegations by third parties or whistleblowers. This bill:

Amends Section 73.005 (Truth a Defense), Civil Practice and Remedies Code, to provide that the defense that a statement is true applies to the accurate reporting of allegations made by a third party regarding a matter of public concern in an action brought against a newspaper or other periodical or broadcaster. Provides that this section does not abrogate or lessen any other remedy, right, cause of action, defense, immunity, or privilege available under the United States or Texas constitutions, or as provided by any statute, case, common law, or rule.

Auxiliary Facilities Outside Certain County Seats—S.B. 643
by Senator Creighton—House Sponsor: Representative Faircloth

Currently, Chambers County has two district courts. The 344th District Court operates out of the courthouse. The 253rd District Court operates out of the auxiliary court building. A jury summons in Chambers County routinely yields around 100 citizens. The courthouse can hold 100 persons, unless a potential juror has a physical disability, which can make it difficult to maneuver. The auxiliary courthouse can only hold 50 people, which is insufficient for the needs of the county. Unfortunately, there are no other facilities in Anahuac, the county seat of Chambers County, capable of meeting the county's needs in this regard. This bill:

Authorizes a district court in Chambers County to sit in a suitable facility outside the county seat if the facility is designated by the county commissioners court as an auxiliary county seat.

Provides that such a district court may hear all matters before the court within the court's jurisdiction.

Provides that the district clerk or the clerk's deputy serves as clerk of the court when a district court sits in an auxiliary county seat and may keep all necessary books, minutes, records, and papers at the facility.

Adds Section 292.031 (Facilities Outside County Seat in Certain Counties) to the Local Government Code:

- Provides that this section applies only to a county with a population of less than 40,000 that is adjacent to a county with a population of more than 3.3 million.
- Authorizes the commissioners court of such a county to provide:
    - an auxiliary court facility, office building, or jail facility at a location in the county and within 10 miles of the boundaries of the county seat in the same manner that is applicable to a court, building, or facility at the county seat; and
    - the building or facility through the issuance of bonds or other evidences of indebtedness and may provide office space in the building or facility for any county or precinct office.
- Provides that the auxiliary court facility may be used for the holding of court proceedings, including district court proceedings.
- Provides that for the purpose of the court proceedings, the commissioners court may designate the location of the auxiliary court as an auxiliary county seat.
- Provides that the records of a county officer who is provided space at a court facility, building, or other facility under this section may be kept at the building or facility.

Representation of Indigent Applicants for a Writ of Habeas Corpus—S.B. 662

by Senator Rodríguez—House Sponsor: Representative Alonzo

Articles 11.07 (Procedure After Conviction Without Death Penalty) and 11.072 (Procedure in Community Supervision Case), Code of Criminal Procedure, give judges the discretion to appoint counsel to represent a defendant in habeas corpus proceedings in a noncapital case. Under certain circumstances, the defense and the district attorney may agree that the defendant should be released, namely when the defendant is actually innocent, is guilty only of a lesser offense, or was convicted under a law subsequently declared void. Despite the agreement of prosecution and defense in such cases, some judges do not appoint counsel to assist the release of indigent defendants. This bill:

Adds Article 11.074 (Court-Appointed Representation Required in Certain Cases) to the Code of Criminal Procedure:

- Provides that this article applies only to a felony or misdemeanor case in which the applicant seeks relief on a writ of habeas corpus from a judgment of conviction that imposes a penalty other than death or orders community supervision.
- Requires a court to appoint an attorney to represent the indigent defendant for purposes of filing an application for a writ of habeas corpus or to otherwise represent the defendant in such a proceeding if the state represents to the convicting court that an eligible indigent defendant under Article 1.051 (Right to Representation by Counsel), Code of Criminal Procedure, who was sentenced or had a sentence suspended:
    - is not guilty, is guilty of only a lesser offense; or
    - was convicted or sentenced under a law that has been found unconstitutional by the court of criminal appeals or the United States Supreme Court.
- Requires that an attorney appointed under this article be compensated as provided by Article 26.05 (Compensation of Counsel Appointed to Defend), Code of Criminal Procedure.
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Bailiff Administering Jury Selection Process—S.B. 681

by Senator Zaffirini—House Sponsor: Representative Justin Rodriguez

In counties with at least nine district courts, a majority of the district judges may, with the approval of the commissioners court, appoint bailiffs to be in charge of the jury selection process in those courts. The statute regarding a county that uses an electronic jury selection system, however, references "the district clerk" as the officer in charge of the selection process. This bill:

Amends Section 62.001 (Jury Source; Reconstitution of Jury Wheel), Government Code, to require a bailiff designated as the officer in charge of the jury selection process to furnish certain notice regarding certain lists.

Amends Section 62.011 (Electronic or Mechanical Method of Selection), Government Code, to permit a plan authorized by this section to designate as the officer in charge of the selection process a bailiff in a county with a population of at least 1.7 million and in which more than 75 percent of the population resides in a single municipality.

Authorizes the district clerk or such a bailiff to remove the person's name from the record of names for selection of persons for jury service.

Evidence in Connection With an Award of Exemplary Damages—S.B. 735

by Senators Fraser and Campbell—House Sponsor: Representative Ken King

In 1888, the Texas Supreme Court (Court) determined in *Young v. Kuhn*, 9 S.W. 860, 862 (Tex. 1888), that the injury inflicted, rather than the defendant's ability to pay, was the relevant consideration for a jury tasked with assessing exemplary damages. In *Lunsford v. Morris*, 746 S.W.2d 471 (Tex. 1988), the Court overruled *Young* and permitted the discovery and use of net worth evidence to support a claim for exemplary damages.

Section 41.011(a), Civil Practice and Remedies Code, codifies the ruling in *Lunsford*, providing that in determining the amount of exemplary damages, the trier of fact must consider evidence relating to the defendant's net worth. However, since *Lunsford*, the Texas Legislature has enacted Section 41.008 (Limitation On Amount of Recovery), Civil Practice and Remedies Code, which provides generally that exemplary damages awarded against a defendant may not exceed a specified statutory amount. This bill:

Defines "net worth" as the total assets of a person minus the total liabilities of the person on a date determined appropriate by the trial court.

Authorizes a trial court, on the motion of a party and after notice and a hearing, to authorize discovery of evidence of a defendant's net worth if the court finds in a written order that the claimant has demonstrated a substantial likelihood of success on the merits of a claim for exemplary damages.

Provides that the evidence submitted in support of or in opposition to such a motion may be in the form of an affidavit or a response to discovery.

Provides that if a trial court authorizes such discovery, the court's order may only authorize use of the least burdensome method available to obtain the net worth evidence.

Requires the court, when reviewing an order authorizing or denying discovery of net worth evidence, to consider only the evidence submitted by the parties to the trial court.

Requires the court, if a party requests net worth discovery, to presume that the requesting party has had adequate time for the discovery of facts relating to exemplary damages for purposes of allowing the party from whom net worth discovery is sought to move for summary judgment on the requesting party's claim for exemplary damages.

Orders for Emergency Protection—S.B. 737

by Senator Rodríguez—House Sponsor: Representative Moody

Current law authorizes judges to issue emergency orders to protect the victims of family violence. The issuing court reports these orders to law enforcement, enabling them to keep victims safe from further violence. However, under current law and practice, there are often delays in the execution of the order. Victims are not notified that the order has been issued, and law enforcement officers may go to the scene of a family violence investigation unaware of an existing order for emergency protection. In some counties, it can take up to a month for the order to be reported. Delays in notification make enforcement more difficult and pose serious risks for victims. In addition, one form of protective order, a magistrate's order for emergency protection, is not currently reported to the Texas Crime Information Center (TCIC), which collects offender information for the use of law enforcement across the state and across the country. This bill:

Expands Article 17.292 (Delivery of Order for Emergency Protection to Other Persons), Code of Criminal Procedure, to include offenses under Section 20A.02 (Trafficking of Persons) and Section 20A.03 (Continuous Trafficking of Persons), Penal Code. Requires a magistrate, as soon as possible but not later than the next business day after the date the magistrate issues an order for emergency protection, to send a copy of the order to certain persons as required under this article.

Requires the clerk of the court to send a copy of the order to the victim at the victim's last known address as soon as possible, but not later than the next business day after the date the order is issued.

Authorizes a magistrate or clerk to delay sending a copy of the order if the magistrate or clerk lacks information necessary to ensure service and enforcement.

Provides that a copy of the order and any related information may be sent electronically or in another manner that can be accessed by the recipient.

Requires the applicable law enforcement agency with jurisdiction over the municipality or county in which the victim resides, not later than the third business day after the date of receipt of the copy of the order, to

enter the information required into the statewide law enforcement information system maintained by the Department of Public Safety of the State of Texas.

Strikes the provision requiring that each municipal police department and sheriff establish a procedure to provide adequate information to peace officers regarding persons protected by an order for emergency protection.

Authorizes a law enforcement agency to delay entering the information if the agency lacks information necessary to ensure service and enforcement.

Amends Section 85.042 (Delivery of Order to Other Persons), Family Code, to require a clerk of a court, not later than the next business day after the date the court issues an original or modified protective order, to send a copy of the order to certain persons.

Authorizes the clerk to transmit the order and any related information electronically or in another manner that can be accessed by the recipient.

Authorizes the clerk of the court to delay sending a copy of the order if the clerk lacks information necessary to ensure service and enforcement.

Requires a law enforcement agency, but not later than the third business day, rather than the 10th day, after the date the order is received, to enter the information into the statewide law enforcement information system.

Requires the bureau of identification and records to collect information concerning the number and nature of magistrate's orders of emergency protection and any minimum distance the person subject to the order is required to maintain from the protected places or persons.

Court Costs and Fees on Conviction of Multiple Offenses—S.B. 740

by Senator West; House Sponsor—Representative Canales

Criminal defendants are often convicted of multiple counts of an offense or offenses in a single criminal action or case. In Attorney General Opinion No. GA-1063 (2014), the Texas attorney general addressed the assessment of criminal court costs in such multiple-count criminal actions, suggesting that costs not based on the performance of a particular service should be assessed on each count. Since criminal court costs are "a nonpunitive recoupment of the costs of judicial resources expended in connection with the trial of [a] case" (*Weir v. State*, 278 S.W.3d 364, 366-67 (Tex. Crim. App. 2009)), the assessment of court costs on each count is unnecessary to recoup the costs of judicial resources expended in connection with the trial of the case. This bill:

Provides that in a single criminal action in which a defendant is convicted of two or more offenses or of multiple counts of the same offense, the court may assess each court cost or fee only once against the defendant.

Requires that each court cost or fee, the amount of which is determined according to the category of offense, must be assessed using the highest category of offense that is possible based on the defendant's convictions.

Provides that these provisions do not apply to a single criminal action alleging only the commission of two or more offenses punishable by fine only.

Appointment of an Associate Judge in a Name Change Proceeding—S.B. 812

by Senator Rodríguez—House Sponsor: Representative Lucio III

Under current law, an associate judge is not authorized to hear and render orders on name change suits under Chapter 45 (Change of Name), Family Code. Authorizing associate judges to hear these generally uncontroversial suits would help relieve crowded dockets. This bill:

Authorizes a judge of a court having jurisdiction of a suit under Chapter 45 to appoint a full-time or part-time associate judge, if the commissioners court of a county in which the court has jurisdiction authorizes the employment of an associate judge.

Provides that if more than one court in a county has jurisdiction of a suit under Chapter 45, the commissioners court may authorize the appointment of an associate judge for each court or may authorize one or more associate judges to share service with two or more courts.

Authorizes a judge of a court to refer to an associate judge any aspect of a suit over which the court has jurisdiction under Chapter 45.

Provides that if an appointed associate judge is temporarily unable to perform the judge's official duties, a judge of a court having jurisdiction of a suit under Chapter 45 may appoint a visiting associate judge to perform the duties of the associate judge, if the commissioners court of a county in which the court has jurisdiction authorizes the employment of a visiting associate judge.

Temporary Restraining Order in Dissolution of Marriage—S.B. 815

by Senator Rodríguez—House Sponsor: Representative Senfronia Thompson

Under current law, a judge may issue a 14-day temporary restraining order (TRO) to maintain the status quo between the parties to a divorce until a hearing can be held to set rules for protection of the parties and the estate until the divorce is final. These orders can only be extended one time for another 14 days. Section 6.501 (Temporary Restraining Order), Family Code, sets forth activities that may be addressed by a TRO, although courts have authority to restrain activities that are not listed.

The Texas Family Law Practice Manual has expanded the list of such activities to cover more specifics, and lawyers and judges often use the manual to guide the development of the orders, even though the items are not listed in the statute. In addition, the current law has not been updated in many years to consider use of e-mails and other technology by which one party to a divorce may harass the other. This bill:

Clarifies a court's authority to grant a temporary restraining order prohibiting one or both parties from taking certain specified actions, including:

- intentionally communicating with or threatening the other party by electronic messaging or intentionally falsifying, tampering with, or refusing to disclose an electronic record; or
- except as specifically authorized by the court, taking certain actions affecting the property or finances of the other party, including selling or alienating any property, incurring certain debt, withdrawing money from a checking or savings account, taking any action affecting the level of insurance coverage, opening or diverting mail or e-mail addressed to the other party, terminating certain utility and other services, and altering or destroying financial or electronic records or information.

Duty to Provide Information Regarding Family Violence—S.B. 818

by Senator Rodríguez et al.—House Sponsor: Representative Senfronia Thompson

Section 153.076 (Duty to Provide Information), Family Code, imposes a duty on each conservator of a child, typically the parent, to notify the other if someone he or she will reside with or marry a person is a registered sex offender or has been charged with a sexual offense subject to such registration. There is no similar requirement regarding family violence. This bill:

Requires a court to order that each conservator of a child has the duty to inform the other conservator if the conservator establishes a residence with, or allows unsupervised access to a child by, a person who is the subject of certain final protective orders.

Sets forth the notice requirements.

Provides that a conservator commits a Class C misdemeanor if the conservator fails to provide notice as required under this Act.

Definitions and Laws Governing Family Law Proceedings—S.B. 822

by Senator Rodríguez—House Sponsor: Representative Lucio III

Title 5 (The Parent-Child Relationship and the Suit Affecting the Parent-Child Relationship), Family Code defines the terms "amicus attorney" and "attorney ad litem." Amicus attorneys and attorneys ad litem are appointed to represent a child in an action or assist the court in making certain determinations. Title 2 (Child in Relation to the Family) of the Texas Family Code also uses these terms, but does not define them. This bill:

Amends Title 2 to provide that:

- the definitions under Title 5 apply to terms used in Title 2, and that if a term defined in Title 2 has a meaning different, the meaning provided by Title 2 prevails; and
- Title 5, Chapter 107 (Special Appointments and Social Studies) applies to the appointment of an attorney ad litem, guardian ad litem, or amicus attorney under Title 2.

Courts Authorized to Hear Matters Relating to a Capias Pro Fine—S.B. 873
by Senator Rodríguez—House Sponsor: Representative Moody

A capias pro fine warrant is a post-adjudication warrant issued for people who have failed to pay fines and court costs. Unlike other warrants, a capias pro fine requires the arresting officer to take the defendant specifically to the issuing court for a hearing. If the court finds the defendant is indigent, the court can waive the fines and court costs and prevent the jailing of indigent defendants. However, the judge is often not available to see the defendant within a reasonable length of time, being occupied with another proceeding or away from the courthouse. The officer is then left to decide whether to release the defendant, wait until the judge is available, or jail the defendant. Releasing the defendant defeats the purpose of the warrant, while waiting for the judge or jailing the defendant are costly alternatives. This bill:

Authorizes an arresting officer, if the court that issued the capias pro fine is unavailable, to take the defendant to certain specified courts, in lieu of placing the defendant in jail, depending on whether the offense was a misdemeanor or felony.

Provides that if the court that issued the capias pro fine is unavailable, certain judicial officers may conduct the hearing.

Filing Copies of Certain Records in Harris County—S.B. 965
by Senator Bettencourt—House Sponsor: Representative Schofield

Under Article 17.42 (Personal Bond Office), Code of Criminal Procedure, a personal bond pretrial release office, on a monthly basis, must compile a record of persons released by the court on personal bond and file the record with the clerk of the county. In Harris County, the county clerk handles county civil cases and the district clerk handles county criminal cases. In all other counties in Texas, the county clerk handles both county civil and criminal cases. The Code of Criminal Procedure needs to be modified to recognize Harris County's regular order of business. This bill:

Requires a personal bond pretrial release office to file a copy of the record with the district or county clerk, as applicable, based on court jurisdiction over the categories of offenses addressed in the records, rather than in the office of the clerk of the county court, in any county served by the office.

Decedents' Estates—S.B. 995
by Senator Rodríguez—House Sponsor: Representative Wray

As part of its ongoing review of Texas probate, guardianship, and trust law, the Real Estate, Probate, and Trust Law section of the State Bar of Texas has proposed several updates to the law relating to estates. These updates are intended to clarify and update current law regarding estates. This bill:

Amends multiple chapters of the Estates Code relating to decedents' estates.

Provides that a payable on death (P.O.D.) account includes a transfer on death (T.O.D.) account. Defines "irrevocable trust."

Makes nonsubstantive clarifications to several sections.

Addresses:

- the disposition of property in an irrevocable trust to a former spouse of the testator;
- the effect of dissolution of marriage on certain third-party or "payable on death" accounts;
- the inheritance rights of a "person in being," defined as a child born before, or in gestation at, the time of the intestate's death, and surviving for at least 120 hours, as well as presumptions regarding period of gestation;
- waiver of service of citation under certain circumstances; and
- the exemption of written wills executed in another state or country from certain Texas attestation and proof requirements.

Clarifies:

- that a court may not prohibit a person from either executing a new will or codicil or revoking an existing will;
- the intent of certain sections regarding forfeiture clauses;
- when an independent executor is required to provide a verified, detailed inventory and appraisement to a beneficiary;
- the kinds of property in an estate that is exempt from execution or forced sale and the treatment of exempt property in an insolvent estate; and
- that agreements to create an estate can be provided in one or more documents, rather than a single application.

Adds a new Subchapter I (Class Gifts) to Chapter 255 (Construction and Interpretation of Wills), Estates Code, regarding posthumous class gifts, providing that members of the class would include persons born before, or in gestation at the time of, the testator's death and surviving at least 120 hours.

Adds a new Subchapter J (Judicial Modification or Reformation of Wills) to Chapter 255, Estates Code, authorizing judicial modification or reformation of wills under certain circumstances on the petition of a personal representative, and giving the court discretion to conform a will as nearly as possible to the probable intent of the testator. Provides that this subchapter does not limit a court's powers under other law to modify, reform, or terminate a testamentary trust.

Adds a new Chapter 456 (Disbursement and Closing of Lawyer Trust or Escrow Accounts) to the Estates Code regarding the disbursement and closing of lawyer trust or escrow accounts upon the death of the lawyer.

Authorizes the personal representative of an estate to hire a lawyer to disburse funds to the appropriate persons and close the account, and addresses the duties and liabilities of the institution in which the account is located.

Authorizes the Texas Supreme Court to adopt rules regarding the administration of funds in a trust or escrow account subject to Chapter 456.

Modifies provisions regarding property in an estate that is exempt from execution or forced sale.

Beneficiary of P.O.D. Account—S.B. 1020

by Senator Creighton—House Sponsor: Representative Murr

A Payable on Death (P.O.D.) account transfers a financial account to another person on the account holder's death. This allows a named beneficiary to avoid the lengthy probate process and have access to the account immediately on the death of the account holder. Under current law, an account holder may not name a trustee of an express trust as a beneficiary. An "express trust" means a fiduciary relationship with respect to property that arises as a manifestation by the settlor of an intention to create the relationship and that subjects the person holding title to the property to equitable duties to deal with the property for the benefit of another person. Current law therefore prevents the account holder of the express trust from moving the account upon his or her death into a trust for the benefit of the trust beneficiaries. This bill:

Expands the definition of "beneficiary" and "P.O.D. payee" under the Estates Code to include a trustee of an express trust evidenced by a writing.

Supplemental Compensation for Certain County Judges—S.B. 1025

by Senator Seliger—House Sponsor: Representative Smithee

Under current law, an annual state supplement of $15,000 is paid to county judges who spend 40 percent or more of their time on judicial functions. A county judge is required to be located in a county that does not have a county court of law and preside over Class A and B misdemeanor cases, probate matters, guardianship matters, and matters of mental health in order to qualify for the supplement. S.B. 1025 adjusts the supplemental compensation. This bill:

Entitles a county judge under Section 26.006 (Salary Supplement from State for Certain County Judges), Government Code, to an annual salary supplement from the state in an amount equal to 18 percent of the annual compensation provided for a district judge in the General Appropriations Act, rather than an annual salary supplement from the state of $15,000, if at least 40 percent of the functions that the judge performs are judicial functions.

Funding for Indigent Defense Services—S.B. 1057

by Senator Hinojosa—House Sponsor: Representative Herrero

While the Texas Fair Defense Act (TFDA) has been effective in addressing indigent defense in urban counties, rural counties have struggled to fully comply. Counties with a population of less than 100,000 often lack the tax base to support public defender's offices on their own, and private attorneys are often unwilling to take appointments. As a result, misdemeanor appointment rates for rural counties are only 27 percent, compared to the state average of 41 percent. This bill:

Authorizes the Texas Indigent Defense Commission (commission) to distribute funds to a regional public defender's office (office) if:

- the office serves two or more counties;
- each county that enters an agreement to create or designate and to jointly fund the office satisfies the commission that the county will timely provide funds to the office for the duration of the grant for

at least half of the office's operational costs;
- each participating county by local rule adopts and submits to the commission guidelines, detailing the types of cases to be assigned to the office; and
- each participating county and the office agree in writing to a method that the commission determines to be appropriate to pay all costs associated with the defense of cases assigned to the office that remain pending in the county after the termination of the agreement or the county's participation in the agreement.

Requires the commission to select, by rule or under a contract with an office, a method for the payment of certain costs, and an office to collect each participating county's portion of the operational costs as that portion is provided by the county to the office.

Includes an eligible a regional public defender and a law school's legal clinic or program that provides indigent defense services in the county among the entities to which the commission is required to distribute grants for those services and to establish the process for determining grant eligibility.

Notice of Scheduling of Execution Date—S.B. 1071

by Senator Hinojosa—House Sponsor: Representative Senfronia Thompson

Currently, Article 43.141 (Scheduling of Execution Date; Withdrawal; Modification), Code of Criminal Procedure, governs the scheduling of an execution. A procedure is not explicitly set forth for prosecutors who seek a warrant of execution. Nor does the law require that courts notify defense counsel once an execution date is set. Accordingly, executions have been sought and scheduled without notice to defense counsel. Attorneys for capital defendants should have the same notice as the state and the court about when executions will be set. Requiring sufficient notice of the scheduling of execution dates will ensure that defendants have an opportunity to fairly prepare for the impending execution. This bill:

Requires that a copy of an order setting an execution date be sent by first-class mail, e-mail, or fax, not later than the second business day after the date on which the convicting court enters the order, to the attorney who most recently represented the condemned person and the office of capital writs.

Provides that the exclusive remedy for a failure to comply is the resetting of the execution date under this article.

Provides that an execution date, rather than the first execution date, may not be earlier than the 91st day after the date the convicting court enters the order setting the execution date and strikes a provision regarding the setting of subsequent execution dates.

Requires the clerk of the court, at the time a warrant of execution is issued, to send a copy of the warrant to:
- the attorney who most recently represented the condemned person;
- the attorney representing the state; and
- the office of capital writs.

Methods of Delivering Notice or Document Sent by Court Personnel—S.B. 1116
by Senator West—House Sponsor: Representative Smithee

The Texas judiciary has made use of technology to become more efficient and provide better service to court users. Through the electronic filing system, courts and clerks now have the ability to provide electronic notices to individuals registered in the electronic filing system, saving taxpayer money and providing a more efficient way of distributing information to court users.

The Supreme Court of Texas has required that attorneys share notice of filed documents electronically and has authorized the courts to provide notices in this same manner. The electronic filing system provides this notice for individuals who are registered in the system for these specific purposes and maintains an audit log of when the notice was sent, when it was successfully delivered, when the message was opened, and when the document or notice was opened. However, several existing statutes still mandate a paper-based approach to providing notices and information to court users, inhibiting the courts and clerks from utilizing more efficient technology resources. This bill:

Adds Chapter 80 (Delivery of Notice and Documents) to the Government Code.

- Authorizes a court, justice, judge, magistrate, or clerk to send any notice or document using mail or electronic mail regarding delivery of a notice or document required under any criminal or civil statute.
- Requires a court, justice, judge, magistrate, or clerk sending the notice or document to use the electronic mail address on file with the electronic filing system, if the court uses the electronic filing system.
- Provides that if the person is not registered with the electronic filing system, or the court does not use the electronic filing system, the court, justice, judge, magistrate, or clerk must use the electronic mail address provided by the person.
- Defines "mail."
- Sets forth the authorized methods of delivering a notice or document by electronic mail.

Judicial Branch and the Composition of Certain Juvenile Boards—S.B. 1139
by Senators Huffman and Zaffirini—House Sponsor: Representative Smithee et al.

The State of Texas is experiencing an increase in population and a shift in where the majority of residents live. As the state's population grows in some areas, while declining in the others, the judicial needs of the various regions change. These shifting demographics can significantly impact the caseload of the existing courts. Historically, the Texas Legislature has compensated for changes in population by establishing new courts or changing existing judicial boundaries. Several factors are analyzed in the evaluation process, including increased caseloads, case backlogs, substantial population growth, and county support. This bill:

Sets forth the procedure for the appointment of associate judges in certain cases under the Family Code by the presiding judge of an administrative judicial region.

Requires the Office of Court Administration of the Texas Judicial System (OCA) to develop procedures and a written evaluation form to be used by the presiding judges in conducting annual performance evaluations of associate judges.

Authorizes each judge of a court that refers cases to an associate judge to submit to the presiding judge or OCA information on the associate judge's performance using a uniform process adopted by the presiding judges.

Requires each presiding judge, not later than October 1, 2015, to either reappoint an associate judge or appoint a new associate judge consistent with the changes in law made in this Act.

Provides that a term of the 52nd District Court begins on the first Monday in July, rather than June.

Removes Kendall County from the 216th Judicial District and creates the 451st Judicial District composed of Kendall County, on January 1, 2017.

Authorizes the voters of Kendall County to elect a criminal district attorney and sets out the qualifications, powers, and duties of the district attorney.

Revises which district attorneys and other prosecutors are covered by Chapter 46 (Professional Prosecutors), Government Code.

Provides for the transfer of cases to the 451st District Court.

Creates the 440th Judicial District, composed of Coryell County, on January 1, 2017.

Provides that the local administrative district judge for Coryell County is selected on the basis of seniority from the district judges of the 52nd Judicial District and the 440th Judicial District.

Creates the following courts:

- the 446th Judicial District, composed of Ector County, is created on September 1, 2015.
- the 507th Judicial District, composed of Harris County, is created on January 1, 2016;
- the 469th Judicial District and the 470th District Court, composed of Collin County, to hear family law matters. These courts are created on September 1, 2015;
- the 505th Judicial District, composed of Fort Bend County, is created on September 1, 2015;
- County Courts at Law No. 4 and No. 5 of Cameron County. County Court at Law No. 4 must give preference to probate, guardianship, and mental health matters. County Court at Law No. 4 of Cameron County is created on January 1, 2017, and County Court at Law No. 5 is created on January 1, 2018;
- County Court at Law No. 7 of Collin County is created on the effective date of this Act;
- County Court at Law No. 5 of Fort Bend County is created on January 1, 2016; and
- County Criminal Court at Law No. 16 of Harris County, Texas, is created on January 1, 2016.

Strikes a provision requiring the Hill County clerk to transfer to the district clerk any contested probate and guardianship matters filed with the county clerk.

Provides that a county court at law in Tarrant County has jurisdiction over any civil appeal from a municipal court of record in Tarrant County.

Provides that if the statute that establishes a multicounty statutory county court (MSCC) does not designate one of the counties that compose the MSCC as the administrative county for that court, the county with the greatest population of the counties composing the court at the time the court is established is the administrative county for that court.

Provides that the commissioners courts of the counties that compose an MSCC may enter into an agreement to provide support for the court.

Authorizes the administrative county to receive contributions from the other counties to pay the operating expenses of the MSCC.

Provides that, except for money provided by state appropriations or under such agreement, the administrative county must pay out of the county's general fund the salaries, compensation, and expenses incurred in operating the MSCC.

Requires the state to annually compensate the administrative county of an MSCC in an amount equal to 100 percent of the state salary of a district court judge in the county for the salary of the judge of the MSCC.

Requires that the court fees and costs collected by the clerk of an MSCC be deposited in the appropriate county fund as provided by law.

Provides that, effective January 1, 2019, Mitchell County is removed from the 1st Multicounty Court at Law and Nolan County becomes the administrative county for that MSCC.

Provides that if the county judge is:

- licensed to practice law in this state, the County Court of Jefferson County has jurisdiction concurrent with the County Court at Law of Jefferson County over all civil and criminal causes and probate; or
- if the county judge is not so licensed, the county court at Jefferson County has concurrent jurisdiction with the county courts at law in Jefferson County only in probate proceedings and other specified matters.

Provides that only the voters of San Patricio County, rather than San Patricio and Aransas Counties, elect a district attorney for the 36th Judicial District.

Requires the county attorneys of Aransas and Guadalupe Counties to perform the duties of a district attorneys.

Authorizes the county attorney or the commissioners courts of Aransas County or Guadalupe County to accept gifts or grants for the purpose of financing or assisting the operation of the office of county attorney.

Abolishes the office of district attorney for the 25th Judicial District on January 1, 2017.

Increases the filing fee for any civil action or proceeding requiring a filing fee from $20 to $30.

Provides for the assignment of least one bailiff to each county court at law of Tarrant County and sets forth the bailiffs' term of office, compensation, and duties.

Authorizes the judges of the 231st, 233rd, 322nd, 323rd, 324th, 325th, and 360th district courts to appoint bailiffs and sets forth the bailiff's qualifications, term of office, compensation, and duties.

Includes the town of Vinton in the El Paso Criminal Law Magistrate Court jurisdiction and provides that the criminal law magistrate court (CLMC) has concurrent criminal jurisdiction with the justice courts located in El Paso County.

Provides that a judge of the CLMC has all other powers, duties, immunities, and privileges provided by law for justices of the peace when acting in a Class C misdemeanor case and county court judges when acting in a Class A or Class B misdemeanor case.

Authorizes a judge of the CLMC to hold indigency and capias pro fine hearings.

Requires a CLMC court to give to preference to the magistrate duties as they apply to the county jail inmate population first and then to newly detained individuals.

Strikes a provision barring a criminal law magistrate judge from holding court or perform magistrate duties after 7 p.m. or before 7 a.m.

Authorizes a local administrative judge or a judge of the CLMC to transfer certain cases between the courts.

Authorizes a local administrative judge to assign certain cases, including to a retired judge, pending in the CLMC's jurisdiction.

Sets forth where certain bail bonds and personal bonds forfeited by the CLMC must be filed.

Requires a justice clerk to charge the same court costs for the CLMC as are charged in the justice courts.

Authorizes the CLMC to sit and act for any magistrate in El Paso County on any Class C misdemeanor case filed in a justice court.

Expands pretrial diversion programs in El Paso County to include a behavioral modification program, a health care program, a specialty court program, or programs operated by El Paso County, Emergence Health Network, the City of El Paso, or a community partner approved by the council of judges.

Revises the jurisdiction of a judge of a county court at law or a district court in El Paso County over certain criminal matters.

Provides that when conducting a capias pro fine hearing for any court, the CLMC acts in the same capacity and with the same authority as the judge who issued the capias pro fine.

Sets forth when a district clerk, county clerk, or justice clerk also serves as clerk of the CLMC.

Provides that a CLMC may be held at one or more locations.

Provides that a defendant may be brought before such court in person or by means of an electronic broadcast system.

Authorizes a criminal law hearing officer to preside over certain extradition hearings, accept a plea of guilty or nolo contendere, and determine whether a defendant is indigent and appoint counsel for an indigent defendant.

Sets forth the cases that a district judge or a county court at law judge may refer a case to a criminal law hearing officer.

Provides that the juvenile board of Atascosa County includes the judge of the County Court at Law of Atascosa County.

Provides that in counties meeting certain population brackets and other specifications, the county judge may appoint a qualified person to serve as a temporary justice of the peace.

Authorizes the use of a qualified telephone interpreter to interpret for a person in any criminal trial, rather than in the trial of a Class C misdemeanor.

Authorizes an arresting officer, if the court that issued the capias pro fine is unavailable, to take the defendant to certain specified courts in lieu of placing the defendant in jail.

Authorizes certain judicial officers, if the court that issued the capias pro fine is unavailable, to conduct the hearing.

Texas Uniform Transfers to Minors Act—S.B. 1202

by Senator Rodríguez—House Sponsor: Representative Wray

As part of its ongoing review of Texas probate, guardianship, and trust law, the Real Estate, Probate, and Trust Law Section of the State Bar of Texas has proposed updating the dollar amounts specified in various laws to reflect inflation since the dates of original enactment. This bill amends current law relating to custodial accounts.

Under current law, a guardian, legal representative, or trustee may make a transfer to a custodian for a minor under the Texas Uniform Transfers to Minors Act (TUTMA), even in the absence of a will or under a will or trust that does not authorize the transfer. Generally, however, this provision applies only if the amount at issue does not exceed $10,000. Also, under current law, a person who owes money to a minor may pay the funds to a custodian under TUTMA, provided the amount does not exceed $15,000. These provisions were intended to avoid the need for a costly guardianship or court proceeding. The amounts have not been updated for years and interested parties state there is no reason for maintaining two different statutory amounts. This bill:

Increases the statutory amounts to $25,000.

Restoration of a Defendant's Competency—S.B. 1326

by Senator Menéndez—House Sponsor: Representative Herrero

Current statute requires a court to commit a defendant determined incompetent to stand trial to a mental health facility or a residential care facility for further examination and treatment toward the specific objective of attaining competency to stand trial. The commitment is for a period not to exceed 120 days and can be extended one time for an additional 60-day period. Prior to 2011, a committed defendant did not receive any credits against any subsequent sentence and judgment that may have resulted from the ultimate adjudication of the charge for the time committed for competency restoration, regardless of the outcome of the competency restoration program. During the 82nd Legislature, Regular Session, 2011, two bills, H.B. 748 and H.B. 2725, were passed, each adding Article 46B.0095(d) to the Code of Criminal Procedure. H.B. 2725 requires a court to credit as time served any time that a defendant has spent in custody, while H.B. 748 makes this discretionary. This has resulted in two codified versions of Article 46B.0095(d), with no direction to the courts as to which section applies to a particular case or circumstance. This bill:

Clarifies that a court may credit to the cumulative period any good conduct time the defendant may have been granted in relation to the defendant's confinement.

Reenacts Article 46B.010 (Mandatory Dismissal of Misdemeanor Charges), Code of Criminal Procedure, as amended by Chapters 718 (H.B. 748) and 822 (H.B. 2725), Acts of the 82nd Legislature, Regular Session, 2011, which requires that misdemeanor charges against a defendant in these cases be dismissed under certain circumstances.

Repeals Article 46B.0095(d), Code of Criminal Procedure, as added by Chapter 718 (H.B. 748), Acts of the 82nd Legislature, Regular Session, 2011.

Electronic Transfer of Certain Court Records—S.B. 1341

by Senator Van Taylor—House Sponsor: Representative Laubenberg

Current law requires that cases transferred from a county court to a district court include several documents in paper form. These documents include a certified transcript of the proceedings held in the county court, the original papers filed in the county court, a bill of the costs that have accrued in the county court, and a certified copy of the judgments rendered in the county court that remain unsatisfied. This requires a great deal of equipment, paper, and time. Permitting the transfer of court records in electronic form would save money and increase efficiency. This bill:

Authorizes the clerk of a district court, when a case is transferred from a district court to a county court, to send certain documents to the county clerk in electronic or paper form.

Authorizes the clerk of a county court, when a case is transferred from a county court to a district court, to send certain documents to the district clerk in electronic or paper form.

Provision and Administration of Indigent Defense Services—S.B. 1353
by Senator Hinojosa—House Sponsor: Representative Coleman

The Texas Indigent Defense Commission (TIDC) is charged with providing technical support to counties to assist in improving their indigent defense systems and distributing grants to counties to assist in the provision of indigent defense services. TIDC has recently funded a computerized system for indigency defense services. Several counties have entered into an interlocal agreement to collaborate in the developing and sharing of the costs of maintaining that computerized system. The Texas Conference of Urban Counties acts as the administrator of the interlocal agreement between the counties and maintains the computerized system through its TechShare program.

TIDC authority is limited to making grants only to counties; a grant award cannot be made directly to an entity for the benefit of all counties sharing the computerized system. Instead, one of the counties participating in the interlocal agreement serves as the official grantee. However, this county cannot recoup administrative expenses related to the responsibilities of managing the grant on behalf of the interlocal agreement. This bill:

Authorizes TIDC to award a grant to an entity that provides to a county administrative services under an interlocal contract entered into for the purpose of providing or improving the provision of indigent defense services in the county.

Requires TIDC to monitor each entity that receives a grant and enforce compliance with the conditions of the grant as if the grant were awarded directly to a county.

Provides that TIDC, by entering into an interlocal contract with one or more counties, may participate and assist counties in the creation, implementation, operation, and maintenance of a computerized system to be used to assist those counties in the provision and administration of indigent defense services and to be used to collect data from those counties regarding representation of indigent defendants in this state.

Authorizes TIDC to use appropriated funds to pay costs incurred under an interlocal contract.

Authorizes TIDC to provide training services to counties on the use and operation of a computerized system created, implemented, operated, or maintained by one or more counties.

Provides that Subchapter L (Statewide Technology Centers), Chapter 2054 (Information Resources), Government Code, does not apply to a computerized indigent defense information system.

Reports on Attorney Ad Litem Appointments—S.B. 1369
by Senator Zaffirini et al.—House Sponsor: Representative Smithee

Attorneys ad litem (AALs) and guardians ad litem (GALs) generally are appointed by a court to represent or act on behalf of a person, such as a minor, an elderly person, or a person with disabilities, who is deemed unable of representing himself or herself. There have been complaints regarding abuse, such as judges appointing friends or associates as ad litems and ad litems being awarded excessive fees, which are often paid from the ward's estate or county funds. Adequate collection of information regarding AALs appointed by the courts in Texas could help expose disproportionate payments and favoritism practices in the justice

system. Texas Supreme Court rules already require the reporting of ad litem compensation data, but in practice many courts are not complying, hampering any investigation into improper activities. Openness and transparency in the judicial system requires timely, complete, and accurate information regarding ad litem appointments. This bill:

Adds Chapter 36 (Judicial Reports) to the Government Code:

- Provides that this chapter applies to a court in this state created by the Texas Constitution, by statute, or as authorized by statute.
- Exempts from the reporting requirements of this chapter:
  - a mediation conducted by an alternative dispute resolution system established under Chapter 152 (Alternative Dispute Resolution System Established by Counties), Civil Practice and Remedies Code;
  - information made confidential under state or federal law;
  - a person appointed under a program authorized by Section 107.031 (Volunteer Advocates), Family Code; or
  - an AAL, GAL, amicus attorney, or mediator appointed under a domestic relations office.
- Requires the clerk of each court to prepare a report on court appointments for AALs, GALs, guardians, mediators, or competency evaluators in the preceding month.
- Requires the clerk, if no appointments were made, to file a report indicating that no appointments were made.
- Sets forth the information that must be included in the report.
- Requires the clerk, not later than the 15th day of each month, to:
  - submit a copy of the report to the Office of Court Administration of the Texas Judicial System (OCA); and
  - post the report at the courthouse of the county in which the court is located and on any Internet website of the court.
- Requires OCA to prescribe the format that courts and clerks must use to report the information and to post the collected information on the OCA Internet website.
- Provides that if a court in fails to provide to the clerk the information required for the report, the court is ineligible for any grant money awarded by this state or a state agency for the next state fiscal biennium.
- Requires the Texas Judicial Council to adopt rules to implement this chapter.
- Requires OCA to study the feasibility of establishing a statewide uniform AAL billing system that would allow attorneys appointed as AALs to enter on a standardized form information regarding the appointment type and duration, case information and activities, numbers of hours served under the appointment, and hourly rate or flat fee paid for the appointment.
- Sets forth what the study must examine.
- Requires OCA, not later than December 31, 2016, to submit an electronic copy of the study to the governor, lieutenant governor, and speaker of the house of representatives.

Bad Faith Claims of Patent Infringement—S.B. 1457

by Senators Nichols and Huffines—House Sponsor: Representative Clardy

In the United States, patents provide the right for an individual to exclude others from making, selling, using, or importing a claimed invention for a period of time. Patents are acquired from the United States

Patent Trademark Office. Patent holders enforce their rights by filing patent infringement claims in federal courts, which have the exclusive jurisdiction over patent enforcement.

Patent assertion entities (PAEs), also known as "patent trolls," are entities that purchase patents without any intent to develop or manufacture products based on the patents. PAEs focus on threatening or filing patent infringement claims against other entities and businesses, often end users. Targets may include businesses using technology such as scanners, copiers, or widely-available software applications. Typically, a PAE will send a demand letter accusing the recipient of infringing on a patent held by the PAE, demanding a license fee, and threatening the recipient with litigation if the recipient does not comply. It is not unusual for a PAE to send the same blanket demand to multiple parties or businesses. Patent lawsuits are complex and expensive and, even if the defendant is successful, the defendant cannot recoup many of these expenses. Because it is often less costly to settle the claim than engage in litigation, many businesses settle with PAEs.

There is concern that PAEs are a growing industry that is exploiting the patent process, hindering research and development, and stifling innovation. The total estimated economic loss associated with such demands range from $29 billion to $83 billion per year. These costs not only provide disincentive for innovation, research, and development at the business level, but are also costs that are borne by every consumer. Absent federal reform, the states have taken the lead in combating these baseless demands. To date, 18 states have adopted legislation aimed at curbing PAEs. This bill:

Adds Subchapter L (Bad Faith Claims of Patent Infringement) to Chapter 17, Business and Commerce Code:

- Prohibits a person from sending to an end user located or doing business in Texas a written or electronic communication that is a bad faith claim of patent infringement.
- Provides that a communication is a bad faith claim of patent infringement if the communication includes a claim that the end user or a person affiliated with the end user has infringed a patent and is liable for that infringement and:
  - falsely states that the sender has filed a lawsuit in connection with the claim;
  - the claim is objectively baseless because:
    - the sender or a person the sender represents does not have a current right to license the patent to or enforce the patent against the end user;
    - the patent has been held invalid or unenforceable in a final judgment or administrative decision; or
    - the infringing activity alleged in the communication occurred after the patent expired; or
  - the communication is likely to materially mislead a reasonable end user because the communication does not contain information sufficient to inform the end user of:
    - the identity of the person asserting the claim;
    - the patent that is alleged to have been infringed; and
  - at least one product, service, or technology obtained by the end user is alleged to infringe the patent or the activity of the end user is alleged to infringe the patent.
- Authorizes the attorney general to bring an action to enjoin a violation of this subchapter.
- Authorizes the attorney general, in addition to seeking an injunction, to seek any other relief that may be in the public interest, including:
  - the imposition of a civil penalty in an amount not to exceed $50,000 for each violation;
  - an order requiring reimbursement of the reasonable value of investigating and prosecuting a

violation; and
    - an order requiring restitution to a victim for legal and professional expenses related to the violation.
- Provides that this subchapter may not be construed to:
    - limit rights and remedies available under any other law;
    - alter or restrict the attorney general's authority with regard to conduct involving claims of patent infringement; or
    - prohibit a person who owns or has a right to license or enforce a patent from:
        - notifying others of the person's ownership or right;
        - offering the patent to others for license or sale;
        - notifying any person of the person's infringement of the patent; or
        - seeking compensation for past or present infringement of the patent or for a license to the patent.
- Provides that this subchapter does not create a private cause of action.

Appointment of Counsel for Indigent Defendants in Criminal Cases—S.B. 1517
by Senators Seliger and West—House Sponsor: Representative Coleman

When a person is arrested and jailed in a county on a warrant issued by a different county, there is confusion regarding which county responsible is for appointing an attorney for the person. This bill:

Provides that if an indigent defendant is entitled to and requests appointed counsel and if adversarial judicial proceedings have been initiated against the defendant, a court or the courts' designee to appoint counsel for indigent defendants in the county in which the defendant is arrested must appoint counsel as soon as possible, but not later than:

- the end of the third working day after the date on which the court or the courts' designee receives the defendant's request for appointment of counsel, if the defendant is arrested in a county with a population of less than 250,000; or
- the end of the first working day after the date on which the court or the courts' designee receives the defendant's request for appointment of counsel, if the defendant is arrested in a county with a population of 250,000 or more.

Provides that if an indigent defendant is arrested under a warrant issued in a county other than the county in which the arrest was made and the defendant is entitled to and requests appointed counsel, a court or the courts' designee to appoint counsel for indigent defendants in the county that issued the warrant must appoint counsel, regardless of whether the defendant is present within the county issuing the warrant and even if adversarial judicial proceedings have not yet been initiated against the defendant in the county issuing the warrant.

Provides that if the defendant has not been transferred or released into the custody of the county issuing the warrant before the 11th day after the date of the arrest and if counsel has not otherwise been appointed for the defendant in the arresting county under this article, a court or the courts' designee authorized to appoint counsel for indigent defendants in the arresting county must immediately appoint counsel to represent the defendant in certain matters, regardless of whether adversarial judicial proceedings have been initiated against the defendant in the arresting county.

Provides that if counsel is appointed for the defendant in the arresting county, the arresting county may seek reimbursement from the county that issued the warrant for the actual costs paid by the arresting county for the appointed counsel.

Requires a magistrate, if the arrested person is taken before a magistrate of a county other than the county that issued the warrant, to inform the person arrested of the procedures for requesting appointment of counsel and ensure that reasonable assistance in completing the necessary forms for requesting appointment of counsel is provided to the person at the same time.

Requires the magistrate, if such person requests the appointment of counsel, to, without unnecessary delay, but not later than 24 hours after the person requested the appointment of counsel, transmit the necessary request forms to a court or the courts' designee to appoint counsel in the county issuing the warrant.

Child Support and Suits Affecting the Parent-Child Relationship—S.B. 1726

by Senator Creighton—House Sponsor: Representative Riddle

Currently, many Texas statutes relating to the proceedings of a suit filed under the Family Code need updating or further clarification. Across the codes, portions of law exist that prescribe redundant or outdated methods for satisfying requirements that can be conducted more efficiently as business processes have modernized. Other sections contain terminology that requires clarification in order to reaffirm consistency with federal language. Finally, several definitions fail to adequately encompass the enforcement of some delinquent child support actions. This bill:

Clarifies the types of delinquent child support and child support arrearages that take certain priority in claims against an estate under the Estates Code.

Expands current law under the Family Code regarding the authority of a court to require that certain information not be disclosed to include information required to be provided to another party that is likely to subject the child or a conservator to family violence.

Provides that certain notices to the Title IV-D agency may be provided electronically or via first class mail.

Requires notice for a hearing regarding a request for a court order implementing a postjudgment remedy for the collection of child support.

Provides that a judgment for retroactive child support may be enforced by any means available for the collection of child support.

Provides that an acknowledgment of paternity constitutes an affidavit under the federal Social Security Act.

Clarifies the term "renewal" regarding licensing.

Provides that if a signature is required to be notarized, acknowledged, verified, or made under oath, in a proceeding filed under Title 5 (The Parent-Child Relationship and the Suit Affecting the Parent-Child Relationship), Family Code, the requirement may be satisfied by attaching the electronic signature of the

person authorized to perform that act, together with all other information required to be included by other applicable law.

Duties of Title IV-D Agency Regarding Enforcement of Child Support—S.B. 1727
by Senator Creighton—House Sponsor: Representative Riddle

Currently, the Office of the Attorney General (OAG) administers the State's Title IV-D Program, also known as the Child Support Division, a federally funded program by which Texas collects, enforces, and distributes child support. While Texas must ensure compliance with federal regulations in order to maintain this authority, Texas continuously looks for ways to streamline processes and eliminate redundancies with the goal to provide faster service delivery to children and families. The courts and OAG have an integrated role in this undertaking. As jobs and parenting arrangements can be subject to change, maintaining the most current employment and child placement information is critical in assessing whether a child and parent are receiving adequate financial support. This bill:

Authorizes the Title IV-D agency to transmit certain records and information directly to the vital statistics unit.

Authorizes the Title IV-D agency, if it determines that the primary care and possession of the child has changed, to file a petition for modification under Chapter 156 (Modification), Family Code.

Clarifies that certain files and records of services provided by the Title IV-D agency are confidential.

Requires a government agency, private company, institution, or other entity to submit certain information requested by the Title IV-D agency not later than the seventh day after the request.

Authorizes the Title IV-D agency to file an appropriate child support review order if grounds exist for modification under Subchapter E 9Modification of Child Support), Chapter 156, Family Code, striking current provisions regarding whether three years have passed since a child support order was last modified or whether the amount of the child support award under the order differs by a set amount from the amount that would be awarded under the child support guidelines.

Clarifies that the Title IV-D agency must order parentage testing if a party denies parentage of a child whose parentage has not previously been acknowledged or adjudicated.

Expands the definition of employee to include an independent contractor as defined by the Internal Revenue Service.

Office of Capital and Forensic Writs—S.B. 1743
by Senator Hinojosa—House Sponsor: Representative Herrero

The adversarial process is not well suited to the task of finding scientific truth in a proceeding for a writ of habeas corpus based on certain issues with scientific evidence. Most criminal defense lawyers know very little about science and are often unable to identify forensic science errors or challenge those errors

effectively through the writ process. Allowing the office of capital writs to create a division dedicated to forensic writs in non-capital cases is a sensible and efficient approach to this issue because the office already has experience dealing with a specialized and highly technical area of the law in capital cases. The forensic division would be built slowly and thoughtfully to ensure a deliberate approach to representing clients in the most compelling cases, whether it be cases involving misconduct by a forensic examiner or forensic disciplines facing national scrutiny due to questions about validity and application in criminal convictions. The forensic division of the office would not be the sole answer to indigent representation for forensic science cases but would provide a much needed resource for members of the private criminal defense bar who are also interested in taking these cases. This bill:

Amends the Government Code to rename the office of capital writs as the office of capital and forensic writs and to rename the capital writs committee as the capital and forensic writs committee. Expands the disqualification of a person from service as the office's director or employment by the director as an attorney to include a person who has been found by a state or federal court to have rendered ineffective assistance of counsel during the trial or appeal of any criminal case. Requires the director to employ or retain experts necessary to perform the office's duties.

Expands the actions and proceedings in which the office is authorized to represent a defendant to include an action or proceeding that is conducted under Code of Criminal Procedure provisions governing procedures for a writ of habeas corpus based on certain issues with scientific evidence, that is collateral to the preparation of an application for such a writ, or that concerns any other post-conviction matter in a case that involves a forensic science issue. Authorizes the office to consult with law school clinics with applicable knowledge and experience and with other experts as necessary to investigate the facts of a particular case.

Appointment of Attorneys Ad Litem, Guardians Ad Litem, and Mediators—S.B. 1876
by Senator Zaffirini—House Sponsor: Representative Smithee

The Family Code, Health and Safety Code, Human Resources Code, Estates Code, and Texas Trust Code provide for the appointment of attorneys ad litems (AALs) and guardians ad litem (GALs) who care for and represent the best interests of vulnerable members of society, such as children, elderly persons, and persons with disabilities. Unfortunately, in appointments under these codes, judges enjoy unrestrained discretion, which sometimes results in abuse, or the unintentional appearance of abuse, of the appointment system for personal profit or as a way to reward campaign contributors and friends. The occurrence, possibility, or even the appearance of some attorneys and judges conspiring to profit from these appointments undermines the public's confidence in the judicial system and impedes the courts' ability to function efficiently. This bill:

Adds Chapter 37 (Appointments of Attorneys Ad Litem, Guardians Ad Litem, Mediators, and Guardians), to the Government Code:

- Provides that this chapter applies to a court created by the Texas Constitution, by statute, or as authorized by statute that is located in a county with a population of 25,000 or more.
- Exempts from this chapter:
    - a mediation conducted by an alternative dispute resolution system established under Chapter 152 (Alternate Dispute Resolution System Established by Counties), Civil Practice and

Remedies Code;
    - a person appointed under a program authorized by Section 107.031 (Volunteer Advocates), Family Code;
    - an AAL, GAL, amicus attorney, or mediator appointed under a domestic relations office; or
    - a person other than an attorney or a private professional guardian appointed to serve as a guardian as defined by Section 1002.012 (Guardian), Estates Code.
- Requires each court in this state to establish and maintain a list of all:
    - attorneys who are qualified to serve as an AAL and are registered with the court;
    - attorneys and other persons who are qualified to serve as a GAL and are registered with the court;
    - all persons who are registered with the court to serve as a mediator; and
    - all attorneys and private professional guardians who are qualified to serve as a guardian as defined by Section 1002.012 and are registered with the court.
- Authorizes a court to establish and maintain more than one of the required lists.
- Requires a local administrative judge, at the request of one or more of the courts the judge serves, to establish and maintain the requisite lists. The local administrative judge may establish and maintain one set of lists for all of the requesting courts and may maintain more than one of a list for the courts.
- Requires a court using a rotation system to appoint as a AAL, GAL, guardian or mediator is necessary, to appoint the person whose name appears first on the applicable list maintained by the court.
- Authorizes the a court to appoint a person included on the applicable list whose name does not appear first on the list, or a person who meets statutory or other requirements to serve and who is not included on the list, if the appointment of that person as AAL, GAL, or guardian is:
    - agreed on by the parties and approved by the court; or
    - on finding good cause, the appointment is required on a complex matter because the person:
        - possesses relevant specialized education, training, certification, skill, language proficiency, or knowledge of the subject matter of the case;
        - has relevant prior involvement with the parties or case; or
        - is in a relevant geographic location.
- Provides that a person who is not appointed in the order in which the person's name appears on the applicable list must remain next in order on the list.
- Requires the court, after a person has been appointed as an AAL, GAL, mediator, or guardian from the applicable list, to place that person's name at the end of the list.
- Requires a court to annually shall post each list at the courthouse of the county in which the court is located and on any Internet website of the court.

Requires a presiding judge to require the local administrative judge for statutory probate courts to ensure that all statutory probate courts in the county comply with Chapter 37.

Provides that the local administrative judge, if requested by the courts the judge serves, establish and maintain the lists required by Chapter 37 and ensure that appointments are made in accordance with that chapter.

Strikes statutory references regarding lists of AALs.

Provides that administration rules adopted by the district and statutory county court judges may provide for the establishment and maintenance of the lists required by Chapter 37.

Repeals Section 74.098 (Appointment of Attorneys Ad Litem; Maintenance of List), Government Code.

Court Administrator in Certain Counties—S.B. 1913

by Senator Perry—House Sponsor: Representative Smithee

Clarification is needed regarding the statutory authority of judges to hire a county court administrator in a county served by multiple district courts and statutory county courts. Although there is a lack of a specific statutory authorization related to the position of court administrator in such a county, there are some county-specific statutes that authorize the position of a county court administrator. This bill:

Authorizes certain counties to establish and maintain a court administrator system upon the approval of the commissioners court.

Provides that the judges of the district courts or the statutory county courts may by local rule designate local court divisions and the duties of the court administrator for each division, if applicable.

Requires the court administrator to cooperate with regional, presiding, and local administrative judges and state agencies.

Provides that the court administrator is appointed by the judges of the district courts or statutory county courts served by the court administrator and serves at the pleasure of those judges.

Provides that a court administrator is entitled to reasonable compensation, as determined by the judges served and in the salary range for the position, as set by the commissioners court.

Requires the judges of the courts served by the court administrator, with the approval of the commissioners court, to appoint appropriate staff and support personnel according to the needs of the local jurisdiction.

Suits Affecting the Parent-Child Relationship—S.B. 1929

by Senators Garcia and Zaffirini—House Sponsor: Representative Senfronia Thompson

Child Protective Services (CPS) cases are governed by very strict timelines to ensure that the Department of Family and Protective Services (DFPS), the courts, and other child welfare stakeholders use time efficiently and that children do not spend more time than necessary in the state's foster care system. Unless the court has commenced the trial on the merits, or there are extraordinary circumstances that justify an extension, the court may not retain the suit on the court's docket after the time described by Section 263.401 (Dismissal After One Year; Extension), Family Code.

Although there are very strict timelines governing how courts handle and process cases, there are no timelines governing when a case transfer must occur, and what information must be transferred to the receiving jurisdiction to ensure that Section 263.401 is not violated. If a court loses jurisdiction of the case, a child may be returned to a family who still poses a danger to the child. This bill:

Requires the clerk of the court transferring a proceeding to send to the proper court in the county to which transfer is being made certain documentation, including a certified copy of the order of transfer signed by the transferring court.

Requires the clerk of the transferee court, upon receipt of the pleadings, documents, and orders from the transferring court, to notify the judge of the transferee court when the suit has been docketed.

Sets forth what an order of transfer must include.

Authorizes the court to which a suit is transferred to retain an attorney ad litem or guardian ad litem appointed by the transferring court.

Requires that the court, if the court finds that the appointment of a new attorney ad litem or guardian ad litem is appropriate, appoint such attorney ad litem or guardian ad litem before the earlier of:

- the 10th day after the date of receiving the order of transfer; or
- the date of the first scheduled hearing after the transfer.

Attorney Ad Litem in Suit Affecting the Parent-Child Relationship—S.B. 1931

by Senators Garcia and Zaffirini—House Sponsor: Representative Senfronia Thompson

Unlike a traditional adversarial proceeding, Child Protective Services cases typically evolve through a series of statutorily required hearings and often require a concerted, collaborative effort between the parties and professionals. Both children and parents rely on their attorneys to guide them through this complex system and advocate for their interests. While many courts appoint attorneys to represent the legal rights of parents at the beginning of the case, many others make the appointment after the critical 14-day removal hearing, otherwise known as the adversary hearing. This hearing is the first opportunity for the judge to make a determination of indigency regarding the parent. Unfortunately, by the time the adversary hearing is held, it is too late for an unrepresented parent to meaningfully challenge removal of the child. This bill:

Requires the court, in a suit filed by a government entity seeking the termination of the parent-child relationship where a parent is not represented by an attorney at the parent's first appearance in court, to inform the parent of:

- the right to be represented by an attorney; and
- if the parent is indigent and appears in opposition to the suit, the right to an attorney ad litem appointed by the court.

Amends a provision authorizing a court to appoint an attorney ad litem to represent the interests of both parents to require that there be no history or pattern of past or present family violence by one parent directed against the other parent, a spouse, or a child of the parties.

Requires a court to require a parent who claims indigence to file an affidavit of indigence before the court may conduct a hearing to determine the parent's indigence.

Authorizes the court to consider additional evidence at that indigency hearing, including the parent's income and benefits paid in accordance with a federal, state, or local public assistance program.

Requires the court, if it determines the parent is indigent, to appoint an attorney ad litem to represent the parent.

Authorizes a court to appoint an attorney ad litem to represent the interests of a parent for a limited period beginning at the time the court issues a temporary restraining order or attachment of the parent's child and ending on the court's determination of whether the parent is indigent before commencement of the full adversary hearing.

Sets forth the powers of the attorney ad litem appointed for a parent.

Requires the attorney ad item, if applicable, to identify and locate the parent and, if the attorney ad litem locates that parent, inform the parent of the parent's right to be represented by an attorney and of the parent's right to an attorney ad litem appointed by the court, if the parent is indigent and appears in opposition to the suit;

Requires the attorney ad litem, if the attorney ad litem is unable to identify or locate the parent, to submit to the court a written summary of the attorney ad litem's efforts to identify or locate the parent. On receipt of the summary, the court shall discharge the attorney ad litem from the appointment.

Requires the court, if the attorney ad litem locates the parent and the court determines that the parent is not indigent, to discharge the attorney ad litem from the appointment.

Sets forth additional evidence that a court may consider to determine whether the parent is indigent.

Requires the court, if the appointment of an attorney for the parent is requested, to make a determination of indigence before commencement of the full adversary hearing.

Montgomery County Hospital District—H.B. 389

by Representative Bell et al.—Senate Sponsor: Senator Nichols

Interested parties note the need to change the date of the election for the board of directors of the Montgomery County Hospital District to better serve constituents and save money through efficiency and economics of scale by conducting the election concurrently with elections for other offices. The parties also note that certain competitive bidding requirements among hospital districts are inconsistent. This bill:

Requires that an election be held on the uniform election date in November, rather than May, of each even-numbered year to elect the appropriate number of directors.

Provides that directors serve staggered four-year terms that expire on the last day of December, rather than the second Tuesday in June.

Provides that a construction contract that involves the expenditure of more than the amount provided by Section 271.024 (Competitive Procurement Procedure Applicable to Contract), Local Government Code, rather than $10,000, may be made only after advertising in the manner provided by Subchapter B (Competitive Bidding on Certain Public Works Contracts), Chapter 271, rather than Chapter 252 (Purchasing and Contracting Authority of Municipalities) and Subchapter C (Competitive Bidding in General), Chapter 262, Local Government Code.

Requires the board of directors of the Montgomery County Hospital District to adjust the terms of office to conform to a change in the election date made by this Act.

Viridian Municipal Management District Board of Directors—H.B. 648

by Representative Krause—Senate Sponsor: Senator Hancock

Interested parties note that the Viridian Municipal Management District, which is located wholly within the corporate limits of the City of Arlington and Tarrant County, was created by the legislature several years ago. The parties report that upon completion, it is anticipated that development in the district will contain over 3,500 single-family homes and townhomes. The parties further note that the district is currently governed by an elected board of directors but contend that some directors should be appointed. This bill:

Provides that the Viridian Municipal Management District (district), except as provided by Section 3861.0521 (Requirement to Elect all Directors), Special District Local Laws Code, is governed by a board of five directors as follows: three directors appointed by the mayor and the governing body of the city as provided by Section 3861.052(a) and two directors elected from the district at large as provided by Section 3861.052(b).

Requires the mayor and members of the governing body of the city to appoint three of the directors from persons recommended by the board. Provides that a person is appointed if a majority of members and the mayor vote to appoint that person.

Requires the board to hold an election to elect one director on the uniform election date in May in each even-numbered year, rather than requiring the board to hold elections on the uniform election date in May in even-numbered years.

Requires the board to conduct a review to determine what percentage of the developable acreage in the district has been developed, not later than January 1 of each year. Requires the board by rule to establish criteria for determining whether certain acreage is developable.

Requires that all five directors be selected by elections held on the uniform election date in May in even-numbered years if the board determines on conclusion of a review conducted under Section 3861.0521(a) that at least 90 percent of the developable acreage in the district has been developed and provides that a director appointed to the board before the board makes that determination is entitled to serve the remainder of the director's unexpired term if the board makes such a determination.

Requires the mayor and members of the governing body of the city to fill the vacancy for the remainder of the director's unexpired term in the same manner as the original appointment if a vacancy occurs in the office of an appointed director.

Requires the remaining directors to fill the vacancy by appointing a person who meets the qualifications prescribed by Section 3861.053 (Eligibility) if a vacancy occurs in the office of an elected director. Requires the mayor and members of the governing body of the city to appoint the necessary number of qualified directors to fill all board vacancies, regardless of whether the vacating directors were appointed or elected if there are fewer than three directors.

Requires the mayor and members of the governing body of the city, not later than the 90th day after the date of an election in favor of the division of the district, to appoint the board of the original district as the board of one of the new districts and appoint five directors for each of the other new districts in the manner prescribed by Section 3861.052(a).

Provides that directors appointed under Section 3861.203(a)(1) serve the remainder of the terms to which they were appointed or elected in the original district. Provides that, notwithstanding Section 3861.053, a director appointed under Section 3861.203(a)(1) is eligible to serve only if the director owns land inside the area described by the boundaries of the original district. Provides that directors appointed under Section 3861.203(a)(2) serve until May 31 of the first even-numbered year after the year in which the directors are appointed, rather than provides that directors appointed.

Requires the appointed board to hold an election to elect two, rather than five, directors and requires the mayor and members of the governing body of the city to appoint three directors in the manner prescribed by Section 3861.052(a) in each district for which directors were appointed under Section 3861.203(a)(2), on the uniform election date in May of the first even-numbered year after the year in which the directors are appointed.

Deletes existing text requiring the directors to draw lots to determine which two shall serve until the next regularly scheduled election of directors and which three shall serve until the second regularly scheduled election of directors.

Requires a member of a board of directors who was elected under Section 3861.052 or 3861.203 (Election of Directors of New Districts), Special District Local Laws Code, or appointed to fill a vacancy under Section 3861.054, Special District Local Laws Code, before the effective date of this Act, to continue to serve until the expiration of the member's term. Requires the mayor and members of the governing body of the city to fill an appropriate number of the vacancies by appointment so that the board consists of three appointed

directors and two elected directors as members' terms expire as required by Section 3861.052, Special District Local Laws Code.

Provides that the mayor and members of the governing body of the city may make the appointments permitted by Section 3861.052(a), Special District Local Laws Code, as amended by this Act, to fill a vacancy occurring on the board of directors on or after the effective date of this Act.

Haskell County Hospital District—H.B. 795

by Representative Springer—Senate Sponsor: Senator Perry

Currently, 91 out of 122 hospital districts have the authority to issue revenue bonds for a hospital or hospital system for improvements or related acquisitions. From the perspective of a hospital district, revenue bonds often price better than general obligation bonds. This may be done in order to protect the revenues from other sources that may already be committed elsewhere.

Additionally, Section 1040.052, Special District Local Laws Code, requires that a person who is to be appointed as a director must own land in the district subject to taxation. Section 1040.152(c), Special District Local Laws Code, states that any district taxpayer is entitled to appear at a public hearing on the board's proposed budget and must be heard on any item included in the proposal. This bill:

Prohibits a person from being appointed as a director unless the person is a district resident, rather than unless the person is a district resident and owns land in the district subject to taxation.
Prohibits a person from being appointed as a director if the person is a district employee, or an employee of Haskell County.

Requires that the audit be open to inspection during regular business hours at the district's principal office, rather than filed with the comptroller, not later than December 31 each year.

Requires the board by resolution to designate a bank or banks as the district's depository, rather than requiring the board by resolution to designate a bank or banks in Haskell County as the district's depository or treasurer. Deletes existing text providing that a designated bank serves for two years and until a successor is designated.

Authorizes the board to issue revenue bonds to purchase, construct, acquire, repair, renovate, or equip buildings or improvements for hospitals and the hospital system, or acquire sites to be used for hospital purposes. Sets forth requirements and authorizations for such bonds.

Hunt Memorial Hospital District—H.B. 797

by Representative Flynn—Senate Sponsor: Senator Hall

H.B. 797 will allow the people of Hunt County to provide the best and most modern health care available by updating the Special District Local Laws Code. The update to the code authorizes the Hunt Memorial Hospital District (district) to provide a medical or medical-related facility or facilities in the city of Commerce and in other areas of Hunt County or other counties if the board finds that providing a facility is feasible and in the best interest of district residents. In addition to the authority to issue general obligation bonds and

revenue bonds, the hospital board would also be able to provide for the security and payment of district bonds from a pledge of a combination of ad valorem taxes. This bill:

Requires that notice of an election of directors of the board of directors (board) of the Hunt Memorial Hospital District (district) be published in accordance with Section 4.003 (Method of Giving Notice), Election Code, in a newspaper of general circulation in the district, rather than requires that at least 10 days before the date of an election of directors, notice of the election be published at least one time in a newspaper of general circulation in the district.

Requires a person who wants to have the person's name printed on the ballot as a candidate for director to file with the board secretary an application in accordance with Chapter 144 (Candidate for an Office of a Political Subdivision Other Than a County or City), Election Code.
Deletes existing text requiring that a person who wants to have the person's name printed on the ballot as a candidate for director file with the board secretary a petition requesting that action.

Provides that it is the intent of the legislature that the people of Hunt County be provided with the best and most modern health care available. Authorizes the district, to achieve that intent, to locate a medical or related facility in the city of Commerce, in another area of Hunt County, or in another county if the board finds that providing a facility is feasible and in the best interest of district residents.

Authorizes the board to issue certain bonds to acquire, purchase, construct, repair, renovate, or equip buildings or improvements for hospital purposes, or acquire sites to be used for hospital purposes. Sets forth requirements and authorizations for such bonds.

Wise County Water Control and Improvement District No. 1 Annexation—H.B. 1235

by Representative Phil King—Senate Sponsor: Senator Estes

Water control and improvement districts may currently annex land to the district via petition or an election. The petition, however, only requires the signatures of the majority of value of the owners of land in the area or 50 landowners, and an election may only take place if it is held on the question of the assumption of bonds, notes, obligations, and taxes by the annexed area. The portion of Wise County currently not within the boundaries of Wise County Water Control and Improvement District (WCID) is inhabited by approximately 15,000 people, and local leaders do not want to annex this land based on the signatures of only 50 residents. This bill:

Authorizes the WCID's (district) board of directors (board) to call an election in Wise County to authorize the district's annexation of all parts of Wise County that, on the effective date of this Act, are not within the district's boundaries or the boundaries of another water control and improvement district.

Authorizes the board to order the annexation and an election to approve the annexation based on a resolution of the board with or without a petition requesting the annexation.

Requires that, except as provided by Subsection (b) of this section, the annexation of territory and an election under this section conform to the requirements of Section 49.302 (Adding Land by Petition of Less Than All the Landowners), Water Code, including any hearing and notice requirements.

Requires that the ballot for an election under this section be printed to provide for voting for or against the annexation of the territory, and the assumption by the territory proposed to be annexed of its proportionate share of any outstanding debt of the district.

Authority of the Board of Directors of Certain Hospital Districts—H.B. 1307

by Representative Springer—Senate Sponsor: Senator Estes

Interested parties note that hospital districts typically have two options for financing projects. One option is to borrow money to be secured by operating revenue, but the parties note that a district is often limited in the amount of money it can earn through such revenue. The second option is to issue revenue bonds, which the parties note is a viable option for large projects but not for small or medium-sized projects. The parties note, however, that some hospital districts have an additional option, which is the authority to mortgage or pledge certain buildings and improvements as security for the payment of the purchase price. The parties contend that this option allows hospital districts to utilize traditional mortgages to finance small and medium-sized projects and that such option should be granted to the Gainesville Hospital District. Additionally, the parties note the need to revise the number of directors of the Nocona Hospital District needed for a quorum and other matters. This bill:

Authorizes the Gainesville Hospital District (district) to mortgage or pledge the buildings and improvements as security for the payment of the purchase price.

Provides that the total amount of debt secured by the district's buildings and improvements may not exceed $2.5 million.

Provides that any four, rather than five, directors constitute a quorum.

Provides that a concurrence of four, rather than five, directors is sufficient in any matter relating to district business.

Fees of Office for Velasco Drainage District—H.B. 1336

by Representative Dennis Bonnen—Senate Sponsor: Senator Huffman

The workload of the supervisors of the Velasco Drainage District has increased significantly in recent times, due primarily to major projects required for compliance with new federal levee regulations in the aftermath of Hurricane Katrina. Failure to comply with these new regulations would result in a downgrade of the flood insurance zone ratings for the land in the district which is within the Freeport area hurricane protection levee system. Such a downgrade would economically blight the area, which is highly developed with dense industrial plants, cities, and residential developments. Interested parties contend that due to the increased workload, the supervisors are no longer fairly or adequately compensated by the current annual ceiling of $7,200 per supervisor. This bill:

Entitles a supervisor for the Velasco Drainage District (supervisor; district) to receive fees of office in accordance with Section 49.060 (Fees of Office; Reimbursement), Water Code.

Prohibits the district, notwithstanding Section 49.060(a-1) (authorizing a district, by resolution of the board, to set a limit on the fees of office that a director may receive in a year), Water Code, from setting the annual limit on the fees of office that a supervisor may receive in a year at an amount greater than $12,000.

Coastal Plains Groundwater Conservation District Fees—H.B. 1421
by Representative Dennis Bonnen—Senate Sponsor: Senator Kolkhorst

As the population of Greater Houston and other areas in the state expands, there is increasing interest in capturing large quantities of groundwater from rural areas. Residents of the Southeast and Gulf Coast regions are interested in discouraging the export of groundwater from the Coastal Plains Groundwater Conservation District (GCD) territory. Exporting groundwater from aquifers in the Gulf Coast region could decrease or eliminate spring flows, reduce surface flows, and adversely affect groundwater supplies needed for future local use. This bill:

Establishes more standardized guidelines on how the fees are set and the amount the district may charge. This is much more specific than what is in current law.

Increases the export fees charged by the Coastal Plains GCD to 150 percent of the maximum wholesale water rate charged by the City of Houston. This is designed to discourage people from sending water out of the district area.

Authorizes the district to impose an ad valorem tax at a rate not to exceed 2.5 cents for each $100 of taxable value of property in the district, subject to voter approval and to assess production fees as authorized by Section 36.205, Water Code, rather than assess fees for services or for water withdrawn from wells; solicit and accept grants from any public or private source; and assess an export fee on groundwater exported from the district in an amount not to exceed 150 percent of the maximum wholesale water rate charged by the City of Houston; or other fees authorized by Chapter 36 (Groundwater Conservation Districts), Water Code.

Eminent Domain Authority of Certain Rural Rail Transportation Districts—H.B. 1422
by Representatives Lozano and Guillen—Senate Sponsor: Senator Zaffirini

In 2011 the legislature established the eminent domain verification process. Pursuant to this process, an entity authorized by the state to exercise the power of eminent domain was required to submit a letter to the comptroller of public accounts of the State of Texas by December 31, 2012, declaring that the entity was authorized to exercise the power of eminent domain and identifying each provision of law that granted that authority to the entity. If an entity did not submit the letter by the deadline, its eminent domain authority expired September 1, 2013. The San Patricio County Rural Rail Transportation District did not receive notice of this verification mandate and therefore was unable to submit the requisite letter before the deadline. As a result, the district's eminent domain authority expired in 2013. This bill:

Provides that Section 172.1571, Transportation Code, applies only to a district whose authority to exercise the power of eminent domain under Section 172.157 (Eminent Domain) expired under Section 2206.101(c), Government Code, (providing that the authority of an entity to exercise the power of eminent domain expires on September 1, 2013, unless the entity submits a letter to the comptroller of public accounts

declaring eminent domain authority; and that is located in a county adjacent to a county in which there is located a port authority that has the authority to issue a permit for the movement of oversize or overweight vehicles under Subchapter O (Port of Corpus Christi Authority Roadway Permits) or P (Port of Corpus Christi Authority Special Freight Corridor Permits), Chapter 623 (Permits for Oversize or Overweight Vehicles), Transportation Code.

Authorizes the district, on and after September 1, 2015, notwithstanding the expiration of the district's authority as described in this bill, to exercise the power of eminent domain in accordance with Section 172.157.

Hidalgo County Healthcare District—H.B. 1596

by Representatives Guerra et al.—Senate Sponsor: Senator Hinojosa

The Rio Grande Valley has some of the highest rates of uninsured individuals and among the worst health care outcomes in the nation. In Hidalgo County, almost 40 percent of residents are uninsured, compared to 24 percent in Texas. The Hidalgo County Hospital District was established in 2013 to address this issue. Interested parties have recommended certain changes to the enabling legislation in order to better serve the citizens of Hidalgo County. This bill:

Changes the name of the Hidalgo County Hospital District to the Hidalgo County Healthcare District.

Requires the Hidalgo County Commissioners Court to order an election for the registered voters of Hidalgo County on the question of creation of the district if the commissioners court receives a petition requesting an election that is signed by at least 50 registered voters who are residents of Hidalgo County.

Requires that the ballot for an election under this section be printed to permit voting for or against the proposition and sets forth the required language for the ballot.

Requires the district, if the creation of the district is approved at the election held under Section 1122.021, to be governed by a board of 10 directors, rather than a nine-member board, appointed as set forth.

Provides that directors serve staggered three-year, rather than four-year terms, with three or four directors' terms expiring each year. Requires the initial directors appointed under this section to draw lots as follows to determine:

- for the directors appointed by the governing bodies of the municipalities in Hidalgo County, which two directors serves a one-year term, which two directors serve a two-year term, and which director serves a three-year term; and
- for the directors appointed by the Hidalgo County Commissioners Court, including the director appointed by the county judge of Hidalgo County, which two directors serve a one-year term, which director serves a two-year term, and which two directors serve a three-year term.

Sets forth qualifications and rules for board members and directors. Requires the board to manage, control, and administer the district.

Authorizes the board, if authorized by election, to issue and sell general obligation bonds in the name and on the faith and credit of the district to equip buildings or improvements for the district.

Authorizes the board to order an election to increase the district's maximum ad valorem tax rate to a rate greater than the maximum rate provided by this bill. Requires that the ballot for an election held under this section be printed to permit voting for or against the proposition and sets forth the required language for the ballot. Authorizes the board to impose taxes at the rate authorized by the proposition if a majority of voters voting at an election held under this section favor the proposition.

Authorizes the qualified voters of the district by petition, if in any year the board adopts a tax rate that exceeds the rollback tax rate calculated as provided by Chapter 26 (Assessment), Tax Code, to require that an election be held to determine whether or not to reduce the tax rate adopted by the board for that year to the rollback tax rate.

Requires the board to ensure that all district residents receive all ad valorem tax exemptions and limitations that the residents are entitled to receive under the Texas Constitution and the Tax Code, including the exemption of the total appraised value of the residence homestead of a fully disabled veteran or the disabled veteran's surviving spouse required by Section 11.131 (Residence Homestead of 100 Percent or Totally Disabled Veteran), Tax Code.

Notice of Water Level Fluctuations to Purchasers of Property—H.B. 1665

by Representative Dennis Bonnen et al.—Senate Sponsor: Senator Kolkhorst

Prospective homeowners looking to purchase waterfront property may be unaware that the body of water adjoining their property may be subject to fluctuation. An uninformed buyer may not know that certain reservoirs in Texas are not at a constant level. Before a purchaser makes the decision to spend a large amount of money on waterfront property, they should be aware of the possibility that the water level is subject to change, possibly affecting the value of property. This bill:

Provides that the bill only applies to the sale of residential or commercial real property adjoining an impoundment of water, including a reservoir or lake, constructed and maintained under Chapter 11 (Water Rights), Water Code, that has a storage capacity of at least 5,000 acre-feet at the impoundment's normal operating level.

Requires a seller of real property to give to the purchaser of the property a written notice in a certain form and sets forth the language for the form.

Requires that this notice be delivered by the seller to the purchaser on or before the effective date of an executory contract binding the purchaser to purchase the property.

Authorizes the purchaser, if a contract is entered into without the seller providing the required notice, to terminate the contract for any reason within seven days after the date the purchaser receives the notice.

Provides that, after the date of the conveyance, the purchaser may bring an action for misrepresentation against the seller if the seller failed to provide the notice before the date of the conveyance and had actual knowledge of the water level fluctuations.

Election of Directors of the Hill Country Water Conservation District—H.B. 1819
by Representative Doug Miller—Senate Sponsor: Senator Fraser

The election for the Hill Country Underground Water Conservation District board of directors is currently held on the uniform election date in November in even-numbered years. This bill:

Requires the board of directors (board) of the Hill Country Underground Water Conservation District (district) to hold an election in the district on the uniform election date in May, rather than November, to elect the appropriate number of directors each odd-numbered year, rather than even-numbered year.

Groundwater Conservation District Permit Hearings—H.B. 2179
by Representative Lucio III—Senate Sponsor: Senator Perry

The current process for obtaining a permit from a groundwater conservation district lacks standard components of administrative processes that are designed to ensure a clear and fair resolution. This bill:

Amends the Water Code to specify that a groundwater conservation district hearing on a permit or permit amendment application that a district's general manager or board may schedule is a public hearing.

Authorizes a groundwater conservation district board to take action on any uncontested application at a public meeting held at any time after the public hearing at which the application is scheduled to be heard. Authorizes the board to issue a written order to grant the application, grant the application for which proper notice was give special conditions, or deny the application.

Requires the board to schedule a preliminary hearing to hear a request for a contested case hearing filed in accordance with applicable district rules and provides that the preliminary hearing may be conducted by a quorum of the board, by an individual to whom the board has delegated in writing the responsibility to preside as a hearing examiner over the hearing or matters related to the hearing, or by the State Office of Administrative Hearings (SOAH).

Requires the board, following a preliminary hearing, to determine whether any person requesting the contested case hearing has standing to make that request and whether a justiciable issue related to the application has been raised. Authorizes the board to take any action authorized for an uncontested application if the board determines that no person who requested a contested case hearing had standing or that no justiciable issues were raised.

Authorizes an applicant, not later than the 20th day after the date the board issues an order granting the application, to demand a contested case hearing if the order includes special conditions that were not part of the application as finally submitted or grants a maximum amount of groundwater production that is less than the amount requested in the application. Authorizes the presiding officer of a hearing to determine how to apportion among the parties the costs related to a contract for the services of a presiding officer and the preparation of the official hearing record.

Requires the board to consider the proposal for decision at a final hearing and prohibits additional evidence from being presented during such a hearing. Authorizes the parties to present oral argument at a final

hearing to summarize the evidence, present legal argument, or argue an exception to the proposal for decision.

Removes the authority of an applicant in a contested or uncontested hearing on an application or a party to a contested hearing to administratively appeal a decision of the board on a permit or permit amendment application by requesting a rehearing before the board. Requires a district, in adopting procedural rules regarding the notice and hearing process for permit and permit amendment applications, to establish the deadline for a person who may participate in a hearing on a contested application to file in the manner required by the district a protest and request for a contested case hearing.

Requires an administrative law judge who conducts a contested case hearing before SOAH to consider applicable district rules or policies in conducting the hearing but prohibits the district deciding the case from supervising the administrative law judge. Requires a district to provide the administrative law judge with a written statement of applicable rules or policies.

Prohibits a district from attempting to influence the finding of facts or the administrative law judge's application of the law in a contested case except by proper evidence and legal argument. Removes the specification that in a proceeding for a permit application or amendment in which a district has contracted with SOAH for a contested case hearing the board's authority to make a final decision on consideration of a proposal for decision issued by an administrative law judge be consistent with Administrative Procedure Act provisions regarding a hearing conducted by SOAH.

Authorizes a board to change a finding of fact or conclusion of law made by the administrative law judge, or to vacate or modify an order issued by the administrative judge, only if the board determines that the administrative law judge did not properly apply or interpret applicable law, district rules, applicable written policies, or prior administrative decisions; that a prior administrative decision on which the administrative law judge relied is incorrect or should be changed; or that a technical error in a finding of fact should be changed.

Emergency Services Districts Exempted From Filing Audit Report—H.B. 2257

by Representative James White—Senate Sponsor: Senator Hinojosa

An emergency services district would be eligible to file an annual financial report in lieu of an audit if it (1) does not have any outstanding bonds or any outstanding liabilities having a term of more than one year during the previous fiscal year that are secured by ad valorem taxes, (2) did not receive more than a total of $250,000 in gross receipts from operations, loans, taxes, or contributions during the previous fiscal year, and (3) did not have a total of more than $250,000 in cash and temporary investments during the previous fiscal year. This bill:

Provides that Section 775.0821 (Alternative to Audit of District in Less Populous Counties), Health and Safety Code, applies only to a district to which Section 775.082 (Audit of District in Less Populous Counties) applies that did not have any outstanding bonds secured by ad valorem taxes or any outstanding liabilities secured by ad valorem taxes having a term of more than one year during the previous fiscal year.

Requires a district that files compiled financial statements in accordance with Section 775.0821(b) (authorizing a district to which this section applies to file compiled financial statements with the

commissioners court of each county in which any part of the district is located) and that maintains an Internet website to have posted on the district's website the compiled financial statements for the most recent three years.

Annual Audit of the Maverick County Hospital District—H.B. 2410
by Representative Nevárez—Senate Sponsor: Senator Uresti

Currently, the Maverick County Hospital District's (MCHD) annual audit of the district's books and records is due by January 1 of each year. MCHD's history reflects compliance with that due date when their fiscal year was from July 1 to June 30. This gave them six months to complete the audit and submit it by January 1.

However, in 2003, MCHD requested that their fiscal year be changed to the state fiscal year of September 1 through August 31 but the annual audit due date was overlooked, resulting in MCHD having to complete the audit in a shorter period of time. Furthermore, the January 1 deadline is close to the holidays, which makes it hard on the hospital board to meet and complete the audit. This bill:

Requires the board of directors of the Maverick County Hospital District (district), on or before March 1 of each year, rather than not later than January 1 of each year, to file a copy of the audit with the district and provide a copy of the audit at each public library located in the district.

Operations of Health Care Funding Districts in Certain Border Counties—H.B. 2476
by Representative Guerra—Senate Sponsor: Senators Hinojosa and Zaffirini

The 83rd Legislature passed S.B. 1623 (Hinojosa) to allow the counties of Hidalgo, Cameron, and Webb to create a local provider participation fund (LPPF) to draw down their share of federal dollars to fund initiatives that improve quality and access to health care along the Texas-Mexico border.

These counties serve the largest uninsured population in the United States—almost 40 percent of the residents of Hidalgo County are uninsured, compared to 24 percent in the State of Texas.

Because no hospital district exists in any of these counties, area residents were faced with leaving over $540 million on the table that would have been available through a waiver under the Social Security Act that allows more flexibility in designing programs to ensure delivery of Medicaid services.

Creating the LPPF in 2013 allowed the participating counties to find a local solution to their funding shortfall that allowed the communities to access federal dollars without increasing property taxes or requesting any funding from the state, and at no cost to insured or uninsured patients.

1115 Waiver payments are now available to local hospitals in the three counties, which has enabled the counties to implement Delivery System Reform Incentive Payment (DSRIP) projects focused on increasing access to care and improving patient outcomes as well as implementing new residency programs. This bill:

Defines "institutional health care provider" to mean a nonpublic hospital that provides inpatient hospital services, rather than a nonpublic hospital licensed under Chapter 241 (Texas Hospital Licensing Law), Health and Safety Code.

Repeals Section 288.0032 (Expiration of Chapter; Distribution of Funds on Expiration), Health and Safety Code.

Expenditures by Emergency Services Districts and Sale of District Property—H.B. 2519
by Representative Coleman—Senate Sponsor: Senator Watson

There are often delays in disbursing emergency services district funds due to certain procedural requirements regarding the signatures of district officers, and there are limited options that an emergency services district is currently allowed to use to dispose of the district's surplus property. This bill:

Provides that, except as otherwise provided by Section 775.073 (Expenditures) Health and Safety Code, emergency services district (district) funds may be disbursed only by check, draft, order, or other instrument that is signed by the treasurer, or by the assistant treasurer if the treasurer is absent or unavailable, and countersigned by the president, or by the vice president if the president is absent or unavailable.

Requires that any property, including an interest in property, purchased or leased using district funds, wholly or partly, remain the property of the district, regardless of whether the property is used by a third party under a contract for services or otherwise, until the property is disposed of in accordance with Section 775.0735 (Disposition of Property), Health and Safety Code.

Authorizes the district to dispose of property owned by the district only by:

- selling the property to a third party following the procedures authorized under Section 263.001 (Sale or Lease of Real Property), 263.007 (Sale or Lease of Real Property Through Sealed-Bid Procedure), or 263.008 (Broker Agreements and Fees for the Sale of Real Property), Local Government Code;
- selling or disposing of the property following the procedures authorized under Subchapter D (Disposition of Salvage and Surplus Property), Chapter 263, Local Government Code;
- selling or disposing of the property in accordance with Subchapter J (Surplus and Salvage Property), Health and Safety Code; or
- selling the property using an Internet auction site.

Authorizes the district to contract with a private vendor to assist with the sale of the property. Requires the district to sell the property using the method of sale that the board determines is the most advantageous to the district under the circumstances. Requires the board of emergency services commissioners to adopt rules establishing guidelines for making that determination.

Requires the district, in using an Internet auction site to sell property under this section, to post the property on the site for at least 10 days.

Authorizes the district to reject any or all bids or proposals for the purchase of the property.

Authority of Water District to Accept Donations—H.B. 2528
by Representative Harless et al.—Senate Sponsor: Senator Kolkhorst

In Harris County, where the unincorporated areas are well populated and the sales tax rate is at its maximum, water districts have limited means by which to fund critical economic development programs. These districts are currently unable to receive voluntary contributions from residents. This bill:

Applies to a district located in the unincorporated area of Harris County.

Authorizes a district to accept a donation in any form from any source approved by the governing body of a district to provide funds to a nonprofit organization providing economic development programs that the board determines will preserve property values in the district.

Provides that a contract with a nonprofit organization providing economic development programs may include the specific uses of donations collected by the district on behalf of the nonprofit organization.

Provides that such a contract must require the nonprofit organization administering the program to:

- maintain accounting records and funds independent of all other funds unrelated to the program;
- make the records available for public inspection at reasonable times;
- have an annual independent audit made of the accounting records and funds;
- use the funds only for programs in Harris County; and
- reimburse the district for costs of collection incurred by the district, except to the extent that the district agrees to bear those costs.

Requires that all records of the administrator of an economic development program, unless protected from disclosure under Chapter 552 (Public Information), Government Code, be public information.

Authorizes a district providing potable water or sewer service, as part of its billing process, to collect from customers voluntary donations on behalf of a nonprofit organization providing economic development programs. Requires such a district to give reasonable notice to customers that the donations are voluntary. Requires that the bill identify the exact amount of the donation and include a telephone number the customer can call to have the donation deleted from the bill and any future bills issued to that customer if a donation is included in the total amount of a district's bill to a customer. Provides that water and sewer service may not be terminated as a result of failing to pay a voluntary donation.

Organizations and Corporations Formed by Hospital Districts—H.B. 2557
by Representative Zerwas—Senate Sponsor: Senator West

Current law allows a hospital district (district) to create a charitable organization that meets the requirements of Sections 501(c)(3) or 501(c)(4) of the Internal Revenue Code, just as other governmental entities can. However, current law does not state that a charitable organization created by a hospital district can contract, collaborate, or enter into other arrangements with other public and private entities. Additionally, while other Texas entities, including nonprofit and for-profit hospitals, are allowed to establish captive insurance companies, current law does not state that a hospital district has the same opportunity. This bill:

Provides that, for purposes of Subsection (a)(3) (relating to the authority of the Dallas County Hospital District), Health and Safety Code:

- a public or private entity may be a for-profit or a nonprofit entity; and
- a nonprofit corporation formed by the Dallas County Hospital District may hold an ownership interest in a public or private entity.

Provides that a charitable organization created by a district under Section 281.0565 (Charitable Organizations), Health and Safety Code, is a unit of local government only for purposes of Chapter 101 (Tort Claims), Civil Practice and Remedies Code.

Authorizes a hospital district to make a capital or other financial contribution to a charitable organization created by the district to provide regional administration and delivery of health care services to or for the district.

Deletes existing text authorizing a district created in a county with a population of more than 800,000 that was not included in the boundaries of a hospital district before September 1, 2003, to make a capital or other financial contribution to a charitable organization created by the district to provide regional administration and delivery of health care services to or for the district.

Authorizes a charitable organization created by a district under Section 281.0565 to contract, collaborate, or enter into a joint venture or other agreement with a public or private entity, without regard to that entity's for-profit or nonprofit status, and to hold an ownership interest in such an entity.

Provides that a charitable organization created by a district under this section remains subject to the laws of this state and the United States that govern charitable organizations. Provides that nothing in this section may be construed as abrogating or modifying any other provision of law governing charitable organizations.

Defines "captive insurance company" and "captive management company."

Authorizes a hospital district, a combination of districts, or a nonprofit corporation formed by a district or a combination of districts to further the purposes of the district or districts, as appropriate, to form a captive insurance company or a captive management company in accordance with the provisions of Chapter 964 (Captive Insurance Companies), Insurance Code, for the purpose of engaging in the business of insurance under that chapter.

Real Property Agreements Entered by Certain Hospital Districts—H.B. 2559

by Representative Zerwas—Senate Sponsor: Senator Watson

Current law allows for certain hospital districts, with the approval of the commissioners court, to enter into long-term lease agreements for undeveloped real property for up to 50 years. Interested parties contend that such a restricted lease prevents a district from managing real property assets as effectively as other governmental entities. The parties assert that certain additional statutory authority would allow a district to better manage real property assets for the district's benefit and the benefit of the citizens the district serves. This bill:

Removes the 50-year cap on leases by hospital districts under Chapter 281 (Hospital Districts in Counties of at Least 190,000), Health and Safety Code.

Authorizes the board of hospital managers of a hospital district (board), notwithstanding any other law and with the approval of the commissioners court, to enter into a lease, including a lease with an option to purchase, an installment purchase agreement, an installment sale agreement, or any other type of agreement that relates to real property considered appropriate by the board to provide for the development, improvement, acquisition, or management of developed or undeveloped real property, rather than authorizing the board, notwithstanding any other law and with the approval of the commissioners court, to lease undeveloped real property for not more than 50 years to provide for the development and construction of facilities designed to generate revenue for the financial benefit of the district. Authorizes the board, directly or through a nonprofit corporation, to contract or enter into a joint venture with a public or private entity as necessary to enter into a real property agreement.

Authorizes the board, notwithstanding any other law, with the approval of the commissioners court at a meeting subject to Chapter 551 (Open Meetings), Government Code, to lease undeveloped or vacant real property for not more than 99 years to provide for the development and construction of facilities designed to generate revenue for the financial benefit of the district.

Ability of Certain County Assistance Districts to Annex Roads—H.B. 2599

by Representative Reynolds—Senate Sponsor: Senator Kolkhorst

Previously enacted legislation provided for the creation of county assistance districts to enable counties to levy a sales tax in areas of the county with a specified maximum tax levy and to spend the sales tax revenue within the district's boundaries for certain purposes. Interested parties contend that the inability of a county assistance district to be created within or to annex an area with a tax levy above that maximum greatly affects certain counties, such as Fort Bend County. Fort Bend County wants to utilize the sales tax revenue from a county assistance district to improve various roads that extend into municipalities of the county. However, they are unable to do so because of current law. This bill:

Provides that this section applies only to a district created by a county with a population of more than 580,000 that borders a county with a population of more than four million.

Authorizes the governing body of a district by order to include in the district a portion of a road, including associated drainage areas, that is located in a municipality located in the county that created the district if the municipality consents to the inclusion. Provides that an election is not required to approve an order described by provisions of the bill.

Authorizes the district to use money available to the district to perform maintenance or improvement on a road and the associated drainage areas included in the district in accordance with provisions of the bill.

Administration of Groundwater Conservation Districts—H.B. 2767
by Representative Keffer—Senate Sponsor: Senator Perry

The Water Code chapter governing groundwater conservation districts was established a number of years ago by recodifying parts of a different Water Code chapter existing at the time. Multiple amendments to the groundwater conservation districts chapter have been approved in the intervening legislative sessions, creating inconsistency in terminology and causing confusion and varying legal interpretations. This bill:

Amends the Water Code to set out provisions relating to the powers, duties, and administration of groundwater conservation districts. The bill applies the definition of "waste" applicable to a district to water produced from an artesian well. The bill defines "operating permit" as any type of permit issued by a district that relates to the operation of or production from a water well, which may include authorization to drill or complete a water well if the district does not require a separate permit for drilling or completing a water well.

Changes from production fees to fees authorized by provisions generally governing groundwater conservation districts the fees a district is required to set to pay for the district's regulation of groundwater in the district if a majority of the votes cast are against the levy of a maintenance tax at a confirmation and directors' election for a district created by petition in a management area or at a tax authority and directors' election for a district created by the Texas Commission on Environmental Quality (TCEQ) for a priority groundwater management area.

Expands the provisions relating to the regulation of conflicts of officers of local governments to which a district director is subject to include Local Government Code provisions relating to the disclosure of certain relationships with local government officers and providing public access to certain information. The bill removes a requirement that the written policies for ensuring a better use of management information that a district board is required to adopt include uniform reporting requirements that use "Audits of State and Local Governmental Units" as a guide on audit working papers and that use "Governmental Accounting and Financial Reporting Standards." The bill changes from a retail water utility to a retail public utility the utility for which a district may consider the service needs or service area in regulating the production of groundwater based on tract size or acreage.

Authorizes a district to assess any appropriate fees for certain wells that no longer meet requirements for a required district permitting exemption in addition to a district's authority to require an operating permit for or to restrict production from such wells. The bill removes language restricting such authority to a well located in the Hill Country Priority Groundwater Management Area for a well from which the exempt groundwater withdrawals are no longer used solely for domestic use or to provide water for livestock or poultry.

Requires a district's annual audit to be performed according to the generally accepted government auditing standards adopted by the American Institute of Certified Public Accountants and requires financial statements to be prepared in accordance with generally accepted accounting principles as adopted by the institute. The bill changes from an annual audit under provisions applicable to certain water districts to an annual groundwater conservation district audit the audit that a financially dormant district may elect not to conduct and instead submit to the executive director of TCEQ a financial dormancy affidavit.

Expands to the county or counties where a district is to be located the authority of the district to pay all costs and expenses necessarily incurred in the creation and organization of the district and specifies that a county may be reimbursed for money advanced for such purposes.

Authorizes a district to assess an applicable export fee for any water produced under an exemption if that water is subsequently sold to another person. The bill changes the fees a temporary board is authorized to set to pay for the creation and initial operation of a district from user fees to fees authorized by provisions generally governing groundwater conservation districts.

Changes the fees collected under a special law governing a district from which the district may use funds for any purpose consistent with the district's approved management plan from permit fees to administrative, production, or export fees and expands the source of such funds to include such fees collected under provisions generally governing groundwater conservation districts. The bill removes the entitlement of a person, firm, corporation, or association of persons affected by and dissatisfied with any provision to file a suit against a district or its directors to challenge the validity of the law. The bill specifies that an appeal of a decision on a permit application is included as a district rule or order for which a dissatisfied entity is entitled to file a suit challenging validity. The bill restricts participation in an appeal of a decision on an application that was the subject of a contested case hearing to the district, the applicant, and parties to the contested case hearing. The bill requires an appeal of a decision on a permit application to include the applicant as a necessary party.

Improvement Projects of the Sabine-Neches Navigation District—H.B. 2819

by Representative Deshotel—Senate Sponsor: Senator Creighton

The Sabine-Neches Navigation District (district) of Jefferson County is a county-wide navigation district that is the local sponsor of the Sabine-Neches Waterway, the ship channel serving the Port of Beaumont, the Port of Port Arthur, and numerous petrochemical plants. The district is the third largest waterway in the United States and the nation's largest commercial military outpost.

The district has been working with the Army Corps of Engineers for several years to develop plans to modernize the Sabine-Neches Waterway with a deepening and widening project that would make the waterway potentially the first waterway to meet the new depth of the Panama Canal. Recently enacted federal legislation authorized the project to move forward. In anticipation of federal authorization, the district began working to ensure that it was in a financial position to undertake the project. As the district begins negotiations to finalize the project, interested parties have noted certain ambiguities in current law regarding the district's authority to move forward with this project. This bill:

Provides that the district is the project sponsor of the existing Sabine-Neches Waterway and the Sabine-Neches Waterway Improvement Project authorized by the federal Water Resources Reform and Development Act of 2014. Specifies that the district is the nonfederal cost-sharing sponsor of the improvement project and authorizes the district to use certain financing mechanisms and enter into certain contracts, agreements, and leases in connection with the improvement project.

Addition of Territory to Certain Districts—H.B. 2883

by Representative Simmons—Senate Sponsor: Senator Nelson

Currently, certain municipalities provide limited emergency response services to areas located within the municipality's extraterritorial jurisdiction. Interested parties contend that some of the municipalities hope to increase such services and to establish a method for funding the services. This bill:

Authorizes the municipality that created a district to add all or part of the territory in the municipality's extraterritorial jurisdiction to the district and authorizes the district to impose a tax in that territory only if the addition of the territory and the imposition of the tax are approved by a majority of the qualified voters of the territory to be added voting at an election held for that purpose.

Prohibits the board from calling and holding a confirmation election until the board adopts a budget plan and a fire control, prevention, and emergency medical services plan under Section 344.061 (Fire Control, Prevention, and Emergency Medical Services Plan and Budget Plan), Local Government Code, that include the proposed addition of territory.

Requires that an order calling an election under provisions of the bill state:

- the nature of the election, including the proposition that is to appear on the ballot;
- the date of the election;
- the hours during which the polls will be open;
- the location of the polling places;
- a summary of the district's budget plan and fire control, prevention, and emergency medical services plan that includes the proposed addition of territory; and
- the proposed rate of the sales and use tax to be imposed in the territory to be added.

Requires the board, in addition to the notice required by Section 4.003(c) (requiring certain methods of notice), Election Code, to give notice of an election to add territory to the district by publishing a substantial copy of the election order in a newspaper with general circulation in the territory to be added once a week for two consecutive weeks. Requires the first publication to appear before the 35th day before the date set for the election.

Authorizes the governing body that created a district to add all or part of the territory in the political subdivision governed by that body to the district and authorizes the district to impose a tax in that territory only if the addition of the territory and the imposition of the tax are approved by a majority of the qualified voters of the territory to be added voting at an election held for that purpose.

Liability of GCD Directors and Board Members—H.B. 3163

by Representatives Cyrier and Isaac—Senate Sponsor: Senator Watson

Groundwater conservation districts (GCDs) are the state's preferred method of groundwater management and the management of groundwater within a district involves complicated and controversial issues. This may result in lawsuits against districts and district directors. Interested parties assert that community volunteers who serve as district directors and make decisions on behalf of a district must be free from intimidation and exposure to claims of personal liability. This bill:

Provides that for liability purposes only, a director is considered a district employee under Chapter 101 (Tort Claims), Civil Practice and Remedies Code, even if the director does not receive fees of office.

Provides that a district board member is immune from suit and immune from liability for official votes and official actions, to the extent an official vote or official action conforms to laws relating to conflicts of interest, abuse of office, or constitutional obligations.

Municipal Development Districts—H.B. 3186

by Representative Farney—Senate Sponsor: Senator Schwertner

H.B. 3186 amends current law relating to the qualifications of directors and the use of project funds of certain municipal development districts. This bill:

Authorizes a person, notwithstanding Section 377.051(d) (requiring a person to reside in the municipality or municipality's extraterritorial jurisdiction district to serve as a director), Local Government Code, to qualify to serve as a director of a district that is located in a municipality with a population of more than 5,000 and less than 6,000 and that is located wholly in a county with a population of more than 20,000 and less than 25,000 and that borders the Brazos River if the person resides in the independent school district that serves the majority of the district.

Authorizes the district, except as provided by Sections 377.072(d) (relating to the allowable uses of the development project fund) and 377.072(e) (relating to a district that fulfills certain criteria to pay costs), to use money in the development project fund only to pay certain costs set forth.

Authorizes a district that is located in a municipality with a population of more than 5,000 and less than 6,000 and that is located wholly in a county with a population of more than 20,000 and less than 25,000 and that borders the Brazos River to use money in the development project fund only to:

- pay the costs of planning, acquiring, establishing, developing, constructing, or renovating one or more development projects inside the county in which the district is located, if the project accomplishes a public purpose of the district, allows the district to retain control over the money to ensure that the district's public purpose is accomplished and to protect the district's investment, and benefits the district;
- pay the principal of, interest on, and other costs relating to bonds or other obligations issued by the district or to refund bonds or other obligations; or
- pay the costs of operating or maintaining one or more development projects during the planning, acquisition, establishment, development, construction, or renovation or while bonds or other obligations for the planning, acquisition, establishment, development, construction, or renovation are outstanding.

Investment of Funds by Certain Municipal Hospital Authorities—H.B. 3333

by Representative Clardy—Senate Sponsor: Senator Hancock

S.B. 323, 83rd Legislature, Regular Session, 2013, was enacted to clarify the continuing role of hospital authorities that no longer operate a hospital, and expand the investment options available to certain hospital authorities. The investment options in the bill were bracketed to Harris County, and since it was enacted, authorities in the area have seen great gains in returns on investments. This bill:

Provides that Section 262.039(a) (criteria that applies to a hospital authority), Health and Safety Code, applies only to an authority that:

- is located in:
    - a county of 2.4 million or more, rather than 3.3 million or more; or
    - a municipality of less than 15,000;

- has assets that exceed the amount of any outstanding bonds issued under Subchapter D (Bonds), Health and Safety Code, rather than has no outstanding bonds issued under Subchapter D, Health and Safety Code; and
- does not operate a hospital, rather than does not own or operate a hospital.

Harris County-Houston Sports Authority—H.B. 3402
by Representative Smith—Senate Sponsor: Senator Ellis

The City of Houston and Harris County have worked with the Harris County-Houston Sports Authority to attract games and events such as the NCAA Final Four. The sports authority is a venue district that acts as the local marketing agent in seeking economic incentives from the state and oversees the remittance of matching funds to the state. This centralized process allows the incremental tax receipts of both the city and the county to be included in the economic incentive determination, which is crucial in the selection process for a host city or region. The sports authority currently must duplicate the application and reporting process independently for the city and county for each event. This bill:

Authorizes the Harris County-Houston Sports Authority to act as an endorsing municipality or endorsing county under Chapter 1507, Acts of the 76th Legislature, Regular Session, 1999 (Article 5190.14 (Pan American Games; Olympic Games), Vernon's Texas Civil Statutes (V.T.C.S.)).

Requires a venue district acting as an endorsing municipality or endorsing county under Chapter 1507, Acts of the 76th Legislature, Regular Session, 1999 (Article 5190.14, V.T.C.S.), to remit for deposit into the trust fund established for the games or events the amounts determined by the comptroller of public accounts of the State of Texas (comptroller) under that chapter. Requires the comptroller to determine the incremental increase in receipts attributable to the games or events and related activities under that chapter based on the amount of applicable taxes imposed by each municipality or county that comprises the venue district and not on the amount of taxes imposed by the venue district.

Authorizes a venue district acting as an endorsing municipality or endorsing county under Chapter 1507, Acts of the 76th Legislature, Regular Session, 1999 (Article 5190.14, V.T.C.S.), to guarantee the district's obligations under a games or event support contract by pledging surcharges from user fees, including parking or ticket fees, charged in connection with the games or events and related activities.

Barton Springs-Edwards Aquifer Conservation District—H.B. 3405
by Representatives Isaac and Eddie Rodriguez—Senate Sponsor: Senators Campbell and Zaffirini

There is an area in Hays County that is not within the boundaries of a groundwater conservation district. This bill:

Establishes the boundaries of the Barton Springs-Edwards Aquifer Conservation District.

Provides that the Edwards Aquifer Authority has jurisdiction over any well that is drilled to produce water from within its jurisdiction.

Provides that the district may not charge an annual production fee of more than 17 cents per thousand gallons of water produced under a permit from a well if the water is permitted for any use other than agricultural use.

Requires that a person operating a well before the effective date of this Act or who has entered into a contract before the effective date of this Act to drill or operate a well that is or will be located in the territory described by Section 8802.0035 (Shared Territory), Special District Local Laws Code, to file an administratively complete permit application with the district not later than three months after the effective date of this Act for the drilling, equipping, completion, or operation of any well if the well requires a permit under the rules or orders of the district.

Requires the district to issue a temporary permit to a person who files an application without a hearing on the application not later than the 30th day after the date of receipt of the application. Requires the district to issue the temporary permit for the groundwater production amount set forth in the application. Requires that the temporary permit provide the person with retroactive and prospective authorization to drill, operate, or perform another activity related to a well for which a permit is required by the district for the period of time between the effective date of this Act and the date that the district takes a final, appealable action on issuance of a regular permit pursuant to the permit application if the person's drilling, operating, or other activities associated with the well are consistent with the authorization sought in the permit application; the person timely pays to the district all administrative fees and fees related to the amount of groundwater authorized to be produced pursuant to the temporary permit in the same manner as other permit holders in the district; and the person complies with other rules and order of the district applicable to permit holders.

Requires the district, after issuing the temporary permit, to process the permit application for notice, hearing, and consideration for issuance of a regular permit. Requires the district, after notice and hearing, to issue an order granting the regular permit authorizing groundwater production in the amount set forth in the temporary permit unless the district finds that authorizing groundwater production in the amount set forth in the temporary permit is causing a failure to achieve applicable adopted desired future conditions for the aquifer or an unreasonable impact on existing wells.

Authorizes the holder of a temporary permit or a regular permit subject to a district order to reduce the amount of groundwater production from the permitted well to contest any reduction in the amount of production from the permitted well by requesting a contested case hearing on the reduction order to be conducted by the State Office of Administrative Hearings (SOAH) in the manner provided by Sections 36.416 (Hearings Conducted by State Office of Administrative Hearings; Rules), 36.4165 (Final Decision; Contested Case Hearings), and 36.418 (Rules; Contested Case Hearings; Applicability of Administrative Procedure Act), Water Code. Requires the district to contract with SOAH to conduct the hearing as provided by those sections of the Water Code. Requires SOAH, to the extent possible, to expedite the hearings.

Requires that, for SOAH to uphold a district order reducing the amount of groundwater authorized to be produced under a temporary or regular permit, the district must demonstrate by a preponderance of the evidence that the reduction is necessary to prevent a failure to achieve applicable adopted desired future conditions for the aquifer.

Provides that for SOAH to recommend overturning a district order reducing the amount of groundwater authorized to be produced under a temporary permit, the permit holder must demonstrate by a

preponderance of the evidence that the production of the amount of groundwater authorized based on the maximum production capacity will not cause a failure to achieve applicable adopted desired future conditions for the aquifer or an unreasonable impact on existing wells as found in the district's order.

Provides that a person who relies on the temporary permit to drill, operate, or engage in other activities associated with a water well assumes the risk that the district may grant or deny, wholly or partly, the permit application when the district takes final action after notice and hearing to issue a regular permit pursuant to the application.

Provides that if the addition of territory under Section 8802.0035, Special District Local Laws Code, as added by this Act, causes the annual water use fee in Section 8802.105 to exceed $1 million, the district is prohibited from requiring an assessment of greater than $1 million annually as adjusted to reflect the percentage change during the preceding year in the Consumer Price Index.

Access to Confidential Information for Ad Valorem Taxation Exemption—H.B. 3532

by Representative Herrero—Senate Sponsor: Senator Hinojosa

Current law allows limited disclosure of certain identification information provided in a property tax exemption application to employees of an appraisal district who appraise property. Interested parties contend that contractors and service providers need access to this identification information as well in order to provide certain services to the appraisal district. This bill:

Prohibits the information provided in an application for an exemption filed with a chief appraiser from being disclosed to anyone other than an employee or agent of the appraisal district who appraises property or performs appraisal services for the appraisal district, except as authorized by provisions of the bill.

Deletes existing text prohibiting the information from being disclosed to anyone other than an employee of the appraisal office who appraises property, except as authorized by provisions of the bill.

Provides that certain confidential information may be disclosed under certain conditions, including if and to the extent the information is required to be included in a public document or record that the appraisal district, rather than the appraisal office, is required by law to prepare or maintain.

Infrastructure Improvement Council—H.B. 3545

by Representative Oliveira—Senate Sponsor: Senator Lucio

The Rio Grande Regional Water Authority (authority) was created to serve a public use and benefit by bringing together regional water interests to accomplish projects and services in South Texas. The authority's mission is to enhance the capability of the primary water source in the region to serve the region well into the future, and was created to supplement, but not replace, the services, regulatory powers, and authority of political subdivisions within the authority's boundaries. Interested parties seek to create an infrastructure improvement council within the authority to help address the region's critical water needs. This bill:

Requires the board of directors (board) of the authority to establish an infrastructure improvement council (council) in connection with the implementation of infrastructure improvement projects within the authority's territory.

Requires the board to set, according to a formula determined by the board, an annual voluntary assessment. Requires that revenue from the assessment imposed under provisions of the bill be deposited to the credit of an infrastructure improvement fund to be administered by the council. Provides that the assessment, after the board sets the formula used to determine the assessment, may be modified only by the council.

Requires a member of the conference that pays the voluntary assessment under provisions of the bill to appoint a representative to serve as a member of the council.

Authorizes the council to apply for financial assistance under Subchapters G (State Water Implementation Fund for Texas) and H (State Water Implementation Revenue Fund for Texas), Chapter 15, Water Code. Authorizes the council to implement infrastructure improvement projects approved by the council under this article.

Requires the council to study the viability of each infrastructure improvement project requested by council members to determine whether an infrastructure improvement project is eligible to receive financial assistance from the council. Provides that only members of the council are eligible to receive financial assistance from the council for infrastructure improvement projects under Article 1B (Infrastructure Improvement Council).

Requires the council to establish procedures to govern the council. Authorizes the council to hire employees to implement provisions of the bill and engage in infrastructure improvement projects without board approval.

Withdrawal of Certain Districts from a Metropolitan Rapid Transit Authority—H.B. 3666
by Representative Workman—Senate Sponsor: Senator Watson

Emergency services districts (ESDs) provide emergency services such as fire prevention and control, first responder medical services, and ambulance support. They provide these services by collecting property and/or sales taxes. In Travis County, many of the ESDs also contribute sales tax revenue to the local metropolitan transportation authority known as Capital Metro. One Travis County ESD reports that it is contributing sales tax revenue to Capital Metro but is not currently receiving any services. Furthermore, this ESD would like to spend this revenue on other items. Current law does not provide a mechanism by which a Travis County ESD may withdraw from Capital Metro. This bill:

Defines "unit of election."

Authorizes an ESD described by the provisions of this bill to withdraw from a rapid transit authority (authority), in addition to any other manner provided by law, by a vote of a majority of the registered voters of the district voting at an election on the question of withdrawing from the authority.

Requires the governing body of the ESD to call an election under the provisions of this bill if a petition requesting that an election to withdraw from the rapid transit authority be held is submitted to the governing body and is signed by at least 10 percent of the registered voters of the district on the date the petition is submitted. Requires that a signature on the petition, to be counted for purposes of validating the petition, have been inscribed not earlier than the 120th day before the date the petition is submitted to the governing body.

Requires the governing body, before the 31st day after the date the petition is submitted to the governing body, to determine whether a petition so submitted is valid, and provides that if the governing body fails to act on the petition before the expiration of that period, the petition is valid.

Provides that Sections 451.601 (Unit of Election Defined), 451.607 (Election), 451.608 (Result of Withdrawal Election), 451.609 (Effect of Withdrawal), 451.611 (Determination of Total Amount of Financial Obligations of Withdrawn Unit), 451.612(a) (relating to requiring the governing board to certify to the governing body of a withdrawn unit of election and to the comptroller the net financial obligation of the unit to the authority), and 451.613 (Collection of Sales and Use Tax After Withdrawal), Transportation Code, apply to the withdrawal of an ESD from an authority.

Prohibits an election from being called under the provisions of this bill to be held on a date earlier than the first anniversary of the date of the most recent election held under the provisions of this bill.

Governance of the Fort Worth and Dallas Transportation Authorities—H.B. 3777

by Representatives Collier et al.—Senate Sponsor: Senator Hancock

The transportation authorities in Fort Worth and Dallas were established under and are governed by Chapter 452 (Regional Transportation Authorities) Transportation Code. In 1995, it was determined that certain provisions relating to the governance of the transportation authorities in these two cities needed to be specific to each city. Since that time, the populations of both cities have grown substantially, necessitating an update of the governing legislation of both cities. This bill:

Increases the population cap for the respective transportation authorities of Dallas and Fort Worth from 800,000 to 1.1 million. Increases the size of the board to 11 members from nine.

Election of Directors for the Jonah Water Special Utility District—H.B. 4130

by Representative Larry Gonzales—Senate Sponsor: Senator Schwertner

The Jonah Water Special Utility District (district) is located exclusively in Williamson County. This bill:

Defines "board," "director," and "district."

Provides that the district is governed by a board of nine directors.

Requires a person, to be eligible to be listed on the ballot as a candidate for or to serve as a director, to be a resident of the district and a retail water or sewer service customer of the district.

Authorizes the board by rule to provide for the election of some or all of the directors from single-member districts.

Requires a person, in addition to the qualifications required by Section 7218.052 (Director Eligibility), Special District Local Laws Code, if the board provides for the election of some or all of the directors from single-member districts, in order to be eligible to be listed on the ballot as a candidate for or to serve as a director from a single-member district, to be a resident of that district.

Competitive Bidding and Election Procedures for Westchase District—H.B. 4131

by Representative Wu—Senate Sponsor: Senator Ellis

The Westchase District (district) was one of the first management districts created in the State of Texas (1995). At that time, the laws applicable to all management districts required competitive bidding when the price of the item was $15,000 or more, while the district's governing legislation set the threshold at $10,000. In 2011, the laws applying to all management districts were significantly amended to outline what kinds of items must be competitively bid and to increase the threshold to $75,000. General law also requires an election to authorize a maintenance tax but does not require that a district obtain a certain number of petitions requesting a maintenance tax before calling an election. Finally, general law does not require an election for a management district to issue assessment backed bonds. This bill:

Requires the district, in addition to the elections required under Subchapter L (Elections), Chapter 375, Local Government Code, to hold an election in the manner provided by that subchapter to obtain voter approval before the district may impose a maintenance tax or issue a bond payable from ad valorem taxes, rather than issue a bond payable from ad valorem taxes or assessments.

Prohibits the board of directors of the district (board) from calling a bond election under Chapter 3802 (Westchase District), Special District Local Laws Code, unless a written petition requesting the election has been filed with the board.

Board of Directors of Refugio County Drainage District No. 1—H.B. 4148

by Representative Morrison—Senate Sponsor: Senator Kolkhorst

Refugio County Drainage District No. 1 separated from Refugio County over a decade ago, making certain statutory provisions relating to the compensation and reimbursement expenses of the district's board of directors ambiguous and obsolete. This bill:

Repeals Chapter 708 (providing for the compensation of and reimbursement of travel expenses for commissioners of Refugio County Drainage District No. 1 of Refugio County, Texas), Acts of the 65th Legislature, Regular Session, 1977.

Powers of the Woodlands Township—H.B. 4149

by Representative Keough—Senate Sponsor: Senator Creighton

The Woodlands Township is located in the Town Center Improvement District of Montgomery County (district) and encompasses a master planned community known as The Woodlands, Texas. Interested parties contend that certain changes should be made to the district's enabling legislation to provide additional powers for the district. This bill:

Classifies the district as an "endorsing municipality" for economic development purposes; entitles the district to receive a certified appraisal roll, an estimate of the taxable value of property in the district, and assistance in determining values of property in the district; and provides for the district's authority regarding certain transportation projects, facilities, programs, and services.

Board of Directors and Powers of the Gulf Coast Water Authority—H.B. 4168

by Representatives Dennis Bonnen et al—Senate Sponsor: Senator Kolkhorst

Since the creation of the former Galveston County Water Authority some five decades ago, the district has seen its capacity and customer base grow significantly, and today the rechristened Gulf Coast Water Authority no longer supplies water just to Galveston County. Until recently, the district was managed by a board of directors appointed by the Galveston County Commissioners Court, but directors have since been added to represent Brazoria County and Fort Bend County. Because the water needs of the region served by the district have continued to increase and diversify, interested parties report a need to expand the district's authority and revise the composition of the district's board of directors to effectively represent the district's customer base. This bill:

Authorizes the Gulf Coast Water Authority (district), in connection with the acquisition of water, or the treatment, storage, or transportation of water, to enter into retail service agreements within the Electric Reliability Council of Texas (ERCOT) for the purchase of electricity for the district's own use and to sell electricity in a sale or resale only by way of a registered power marketer or power generation company in accordance with applicable public utility commission rules and requirements of ERCOT. Provides that such an agreement may provide for a term of years and include provisions that the board of directors determines are in the best interest of the district, including provisions for the posting of collateral or payment of an early termination amount in the event of early termination.

Requires that the directors of the district be appointed as follows:

- five directors appointed by the Galveston County Commissioners Court, one of whom represents municipal interests, two of whom represent industrial interests, and two of whom represent the county at large;
- two directors appointed by the Fort Bend County Commissioners Court, one of whom represents municipal interests, and one of whom represents the county at large; and
- three directors appointed by the Brazoria County Commissioners Court, one of whom represents agricultural interests, one of whom represents municipal interests, and one of whom represents industrial interests.

Provides that the terms of the members of the board of directors of the Gulf Coast Water Authority serving on the effective date of this Act expire September 1, 2015.

Fort Bend County Water Control and Improvement District No. 2—H.B. 4174
by Representative Reynolds—Senate Sponsor: Senator Ellis

Fort Bend County Water Control and Improvement District No. 2 (district) was created in 1946 by the State Water Board of Engineers. Water control and improvement districts may define areas or designate certain property of the district to pay for improvements, facilities, or services that primarily benefit the area or property and do not directly benefit the district as a whole. In designating a defined area, a district may use taxes and revenues derived from the defined area to specifically benefit the defined area. This bill:

Establishes a defined area, grants the district the authority to engage in projects and services that uniquely benefit the defined area, and provides authority to issue bonds and impose assessments, fees, and taxes.

Eminent Domain Powers of Certain Districts—H.B. 4175
by Representative Senfronia Thompson—Senate Sponsor: Senator Larry Taylor

The comptroller of public accounts of the State of Texas collects information from entities authorized to exercise the power of eminent domain in order to compile a list of those entities and the legal authority granting eminent domain power to each entity. H.B. 4175 seeks to ensure that the comptroller has accurate information regarding certain conservation and reclamation districts that are authorized to exercise the power of eminent domain. This bill:

Amends current law relating to eminent domain powers of Harris County Municipal Utility Districts Nos. 5, 16, 61, 150, 211, 233, 483, 484, and 485; Liberty County Municipal Utility Districts Nos. 2, 3, 4, and 5; Post Wood Municipal Utility District; West Park Municipal Utility District; East Montgomery County Municipal Utility Districts numbers 3, 4, 8, 9, 10, 11, 12, 13, and 14; Montgomery County Municipal Utility Districts Nos. 100 and 101; Encanto Real Utility District; and Harris County Water Control and Improvement District No. 119.

Operation of the Lake Cities Municipal Utility Authority—H.B. 4176
by Representative Crownover—Senate Sponsor: Senator Nelson

The Lake City Municipal Utility Authority (LCMUA) was created in 1963 as a local government agency to provide water and wastewater utility services to the cities of Lake Dallas, Shady Shores, and Hickory Creek. Currently, Lake Dallas and Shady Shores both have representatives serving on the LCMUA board of directors, but the Town of Hickory Creek does not. Hickory Creek has formally requested an elected position on the LCMUA board of directors, making the board membership representative of all three cities served. This bill:

Provides that the Lake Cities Municipal Utility Authority (LCMUA) consists of the territory, as specifically described in the official records of LCMUA, that is contained in the boundaries or extraterritorial jurisdiction of the City of Lake Dallas, the Town of Shady Shores and the Town of Hickory Creek.

Sets forth provisions for a director of LCMUA.

Provides that not more than two officers may reside in the same municipality.

Authorizes LCMUA to apply as necessary for any permit, license, or other authorization from the Texas Commission on Environmental Quality (TCEQ) or any other regulatory body in order to conduct any of its operations.

Requires that bonds be issued in the name of Lake Cities Municipal Utility Authority, signed by the president or vice president, and bear the seal, or a facsimile seal, of LCMUA. Provides that the facsimile signature of the president or vice president or both be printed or lithographed on the bonds if authorized by board of directors of the Lake Cities Municipal Utility Authority (board), and the seal of LCMUA to be impressed, printed, or lithographed on the bonds.

Renaming the Corn Hill Regional Water Authority—H.B. 4187

by Representative Farney—Senate Sponsor: Senator Schwertner

The Texas Commission on Environmental Quality (TCEQ) recently changed the name of the Corn Hill Regional Water Authority to the Lone Star Regional Water Authority. This bill:

Amends statute to change the name of the Corn Hill Regional Water Authority to the Lone Star Regional Water Authority and provides instructions relating to the appointment of directors.

Bandera County River Authority and Groundwater District Election Dates—S.B. 363

by Senator Fraser—House Sponsor: Representative Murr

Voter turnout is low for director elections of the Bandera County River Authority and Groundwater District. This bill:

Amends Chapter 654, Acts of the 71st Legislature, Regular Session, 1989, to change the name of the management district created as the Springhills Water Management District to the Bandera County River Authority and Groundwater District and provide that a reference in law to the Springhills Water Management District means the Bandera County River Authority and Groundwater District. Establishes that directors of the district serve staggered four-year terms and requires an election for the appropriate number of directors to be held every two years on the uniform election date in November.

Coordinated County Transportation Authorities—S.B. 678

by Senator Nelson—House Sponsor: Representative Simmons

The Denton County Transportation Authority (DCTA) would like to expand its rail operations in Denton County by using an existing rail corridor owned by freight carriers. This legislation provides protections against an incident involving passenger rail on that corridor. This bill:

Provides that Section 460.1041 (Liability Limited for Rail Services Under Certain Agreements), Transportation Code, only applies to public passenger rail services under an agreement between a coordinated county transportation authority (authority) created before January 1, 2005, and a railroad for the provision of public passenger rail services through the use of the railroad's facilities and on certain freight rail lines and rail rights-of-way.

Prohibits the aggregate liability of an authority and a railroad that enter into an agreement to provide public passenger rail services, and the governing boards, directors, officers, employees, and agents of the authority and railroad from exceeding $125 million for all claims for damages arising from a single incident involving the provision of public passenger rail services under the agreement.

Provides that the prohibition on aggregate liability does not affect the amount of damages that may be recovered under Subchapter D (Liabilities for Injuries to Employees), Chapter 112 (Powers and Duties of Railroads), or the federal Employers' Liability Act (45 U.S.C. Section 51 et seq.) or any immunity, limitation on damages, limitation on actions, or other limitation of liability or protections applicable under other law to an authority or other provider of public passenger rail services.

Provides that the limitation of liability provided by Section 460.1041, Transportation Code, does not apply to damages arising from the wilful misconduct or gross negligence of the railroad.

Requires an authority to obtain or cause to be obtained insurance coverage for the aggregate liability with the railroad as a named insured.

Provides that the board of directors of an authority may authorize the negotiation of a contract without competitive sealed bids or proposals if: the aggregate amount involved in the contract is less than the greater of $50,000 or the amount of an expenditure under a contract that would require a municipality to comply with Section 252.021(a) (relating to requiring the municipality to meet certain requirements before a municipality may enter into a contract that requires an expenditure of more than $50,000 from one or more municipal funds), Local Government Code, or if the contract is for services performed by persons who are blind or have severe disabilities, among other certain conditions.

Common Characteristic or Use Project in a Public Improvement District—S.B. 837
by Senators Watson and Zaffirini—House Sponsor: Representative Workman

Texas cities are competing nationally with similarly sized cities that often have larger budgets enabling them to secure conventions while Texas cities lose out. This bill:

Provides that Section 372.0035 (Common Characteristic or Use for Projects in Certain Municipalities), Local Government Code, only applies to:

- a municipality that has a population of more than 650,000 and less than two million or has a population of more than 325,000 and less than 625,000; and
- a public improvement district established under this subchapter and solely composed of territory in which the only businesses are hotels with 100 or more rooms ordinarily used for sleeping, if the district is established by a municipality that has a population of more than 650,000 and less than two million or hotels with 75 or more rooms ordinarily used for sleeping, if the district is established by a municipality that has a population of more than 325,000 and less than 625,000.

Provides that, notwithstanding Section 372.005(b) (relating to criteria for a sufficient petition), Local Government Code, a petition for the establishment of a public improvement district is sufficient only if signed by record owners of taxable real property liable for assessment under the proposal who constitute:

- more than 60 percent of the appraised value of taxable real property liable for assessment under the proposal, as determined by the current roll of the appraisal district in which the property is located; and
- more than 60 percent of all record owners of taxable real property that are liable for assessment under the proposal or the area of all taxable real property that is liable for assessment under the proposal.

Permits Issued by Groundwater Conservation Districts—S.B. 854

by Senator Zaffirini—House Sponsor: Representative Lucio III

The current renewal process for operating permits issued by groundwater conservation districts can be burdensome and expensive for the districts, permit holders, and landowners. In addition, there is concern that the short term of permits issued by some districts results in uncertainty for permit holders that issue long-term debt for water supply projects. This bill:

Amends the Water Code to require a groundwater conservation district, without a hearing, to renew or approve an application to renew an operating permit before the date on which the permit expires, provided that the application, if required by the district, is submitted in a timely manner and accompanied by any required fees in accordance with district rules and the permit holder is not requesting a change related to the renewal that would require a permit amendment under district rules.

Exempts a district from that requirement to renew a permit if the applicant is delinquent in paying a fee required by the district, is subject to a pending enforcement action for a substantive violation of a district permit, order, or rule that has not been settled by agreement with the district or a final adjudication, or has not paid a civil penalty or has otherwise failed to comply with an order resulting from a final adjudication of a violation of a district permit, order, or rule.
Establishes that if a district is not required to renew a permit because the applicant is subject to a pending enforcement action, the permit remains in effect until the final settlement or adjudication on the matter of the substantive violation.

Defines "operating permit" as any permit issued by the district for the operation of or production from a well, including a permit to drill or complete a well if the district does not require a separate permit for the drilling or completion of a well.

Establishes that if the holder of an operating permit, in connection with the renewal of a permit or otherwise, requests a change that requires an amendment to the permit under district rules, the permit as it existed before the permit amendment process remains in effect until the later of the conclusion of the permit amendment or renewal process, as applicable, or final settlement or adjudication on the matter of whether the change to the permit requires a permit amendment.

Requires a permit, as it existed before a permit amendment process that resulted in the denial of an amendment, to be renewed under the bill's operating permit renewal provisions without penalty, unless a condition under which the district is not required to renew a permit under those provisions applies.

Authorizes a district to initiate an amendment to an operating permit, in connection with the renewal of a permit or otherwise, in accordance with the district's rules.

Requires that an operating permit as it existed before the permit amendment process to remain in effect until the conclusion of the permit amendment or renewal process, as applicable, if a district initiates an amendment to the permit.

Exempts the renewal of an operating permit issued under the bill's operating permit renewal provisions from the requirement that a district make certain considerations before granting or denying a permit or permit amendment and from a statutory provision authorizing permits and permit amendments to be issued subject to district rules and to certain terms and provisions.

Specifies that the permit amendments for which a district is required to make such considerations and that may be issued subject to such rules, terms, and provisions are permit amendments issued in accordance with the bill's change in operating permits provisions.

Specifies that statutory provisions applicable to the notice and hearing process used by a groundwater conservation district for permit and permit amendment applications apply only to permit and permit amendment applications for which a hearing is required.

Requires groundwater conservation districts to adopt rules to implement the bill's provisions as soon as practicable after the bill's effective date.

Territory and Board of the Canyon Regional Water Authority—S.B. 855

by Senator Zaffirini—House Sponsor: Representative Kuempel

The enabling legislation of Canyon Regional Water Authority (CRWA), which was created by the legislature in 1989, has certain oversights. This bill:
Defines a "member entity" as a water supply corporation or political subdivision whose territory has been added to the authority by legislative action or through a petition of the member entity's governing body.

Provides that a CRWA board member who also serves on the board or governing body of a CRWA member entity is not prohibited from serving on both boards by the common law doctrine of incompatibility.

Authorizes CRWA to exercise the power of eminent domain as provided by Section 49.222 (Eminent Domain), Water Code, to acquire by condemnation a fee simple or other interest in property located in the territory of the authority if the property interest is necessary to the exercise of the rights or authority of CRWA.

North Fort Bend Water Authority—S.B. 1051

by Senator Kolkhorst—House Sponsor: Representative Zerwas

The North Fort Bend Water Authority was created a decade ago for the purpose of delivering surface water to users within its boundaries and providing a groundwater reduction plan to achieve compliance with the Fort Bend Subsidence District regulations. This bill:

Amends the Special District Local Laws Code to prohibit territory from being annexed into or added to the North Fort Bend Water Authority if the territory, at the time of annexation or addition, is located within the boundaries of both another regional water authority and a subsidence district.

Authorizes, rather than requires, the authority to provide each district or municipality within its boundaries information regarding the share of the capital costs to be paid by the district or municipality and provide each district or municipality the opportunity to fund its share of the capital costs with proceeds from the sale of bonds or fees and charges collected by the districts or municipalities.

Creation of Regional Emergency Communication Districts—S.B. 1108

by Senators Lucio and Fraser—House Sponsor: Representative Deshotel

Currently, 9-1-1 services are delivered by regional planning commissions, which must secure funding from the state's Commission on State Emergency Communications and are reliant on state appropriations, and emergency communication districts. There is one regional emergency communication district (CAPCOG), 24 emergency communication districts (ECD), and 26 municipal emergency communication districts (MECD) that serve various communities around the state.

While programs administered through regional planning commissions rely on the appropriation of emergency service fees from the legislature, emergency communication districts have a predictable source of revenue to support full deployment of digital 9-1-1 services, commonly referred to as Next Generation 9-1-1 (NG9-1-1), receiving collected emergency service fees directly. This direct collection of fees has allowed some areas of the state to adopt the necessary digital infrastructure for NG9-1-1 and keep up with technology demands while programs at the regional planning commissions have struggled to replace outdated infrastructure due to the uncertainty of funding levels. This bill:

Adds Subchapter H (Regional Communication Districts: State Planning Regions with 9-1-1 Population Served Less than 1.5 Million) to Chapter 772 (Local Administration of Emergency Communications), Health and Safety Code.

Provides that a regional emergency communication district (district) is created when the governing bodies of each participating county and municipality in a region adopt a resolution approving the district's creation. Provides that the district's creation is effective on the date the last resolution is adopted by a participating county or municipality.

Requires the district to file with the county clerk of each county in which the district is located a certificate declaring the creation of the district.

Sets forth the powers and territory of a district, provides for the creation of a board of managers, and requires the district to prepare an annual fiscal report.

Requires a district to provide 9-1-1 service to each participating county or municipality through one or a combination of the following methods and features or equivalent state-of-the-art technology: the transfer method, the relay method, the dispatch method, automatic number identification, automatic location identification, or selective routing. Requires the district to design, implement, and operate a 9-1-1 system for each participating county and municipality in the district. Provides that, for each individual telephone

subscriber in the district, 9-1-1 service is mandatory and is not an optional service under any definition of terms relating to telephone service.

Authorizes the board to impose a 9-1-1 emergency service fee on service users in the district.

Requires a service supplier, as part of 9-1-1 service, to furnish, for each call, the telephone number of the subscriber and the address associated with the number.

Requires a business service user that provides residential facilities and owns or leases a publicly or privately owned telephone switch used to provide telephone service to facility residents to provide to those residential end users the same level of 9-1-1 service that a service supplier is required to provide to other residential end users in the district. Provides that information furnished is confidential and is not available for public inspection. Prohibits a service supplier or business service user under certain provisions of this bill from being held liable to a person who uses a 9-1-1 system created under this bill for the release to the district of such information.

Requires the board to periodically solicit public comments and hold a public review hearing on the continuation of the district and the 9-1-1 emergency service fee. Requires the first hearing to be held on or before the third anniversary of the date of the district's creation. Requires that subsequent hearings be held on or before the third anniversary of the date each resolution to continue or dissolve the district is adopted.

Requires the board to publish notice of the time and place of a hearing once a week for two consecutive weeks in a daily newspaper of general circulation published in the district. Requires that the first notice be published not later than the 16th day before the date set for the hearing. Requires the board, after the hearing, to adopt a resolution on the continuation or dissolution of the district and the 9-1-1 emergency service fee.

Sets forth dissolution procedures for an emergency communication district.

Redefines "emergency communication district."

Sabine-Neches Navigation District Improvement Projects—S.B. 1137
by Senator Creighton—House Sponsor: Representative Deshotel

The Sabine-Neches Navigation District has been working with the Army Corps of Engineers for several years to develop plans to modernize the Sabine-Neches Waterway with a deepening and widening project that would make the waterway potentially the first waterway to meet the new depth of the Panama Canal. Recently enacted federal legislation authorized the project to move forward. In anticipation of federal authorization, the district began working to ensure that it was in a financial position to undertake the project. As the district begins negotiations to finalize an agreement with the Army Corps of Engineers and begin the project, interested parties have expressed concern regarding the ambiguity of current law with regard to the district's authority to move forward with the project. This bill:

Amends Chapter 1472, Acts of the 77th Legislature, Regular Session, 2001, to establish that the Sabine-Neches Navigation District of Jefferson County is the project sponsor of the existing Sabine-Neches Waterway and the Sabine-Neches Waterway Improvement Project authorized by the federal Water

Resources Reform and Development Act of 2014 to improve an existing facility of the district and to deepen the Sabine-Neches Waterway. Specifies that the district is also the nonfederal cost-sharing sponsor of the improvement project. Requires the district's navigation and canal commission to make a determination on matters that may be required or desirable as a project sponsor to implement the improvement project.

Authorizes the district, in the district's capacity as the project sponsor of the improvement project, to enter into any contract, agreement, or lease as necessary or convenient to carry out any of the district's powers granted under the bill's provisions. Authorizes such a contract, agreement, or lease to provide any terms and conditions, and to be for any term of years, as the commission determines are in the best interests of the district. Authorizes such a contract, agreement, or lease to be entered into with any person, political subdivision, or governmental agency. Authorizes the district to enter into contracts with a private entity to develop or operate any part of the improvement project under Government Code provisions relating to public and private facilities and infrastructure and authorizes such contracts to provide that the private entity perform all or any part of the district's obligations under contracts or agreements with the United States and use revenue or other money from the improvement project to prepay for duties or tariffs.

Authorizes the district to enter into a contract, agreement, or lease under Water Code provisions relating to contract elections and authorized contracts, agreements, and leases, as determined by the commission. Establishes that the district is not required to obtain approval from the Texas Commission on Environmental Quality for the district's contracts or financing related to the improvement project. Provides that any contracts or agreements of the district may be renewed or extended and any time warrants or maintenance notes may be refunded in the manner provided by general law.

Authorizes the district to provide that payments required by any of the district's contracts, agreements, or leases may be payable from the sale of notes, taxes, or bonds, or any combination of notes, taxes, or bonds, or may be secured by a lien on or a pledge of any available funds, and may be payable subject to annual appropriation by the district. Makes specified Tax Code provisions relating to assessments inapplicable to maintenance taxes levied and collected for payments under a contract, agreement, lease, time warrant, or maintenance note issued or executed under the bill's provisions.

Authorizes the district to borrow money, receive advances of funds, and enter into repayment agreements for the repayment of borrowed money or advances, and to issue anticipation notes, time warrants, and maintenance notes. Proves that the anticipation notes may be issued in accordance with Government Code provisions relating to anticipation notes in the same manner as an eligible countywide district; caps the issuance of tax anticipation notes at 75 percent of the revenue or taxes anticipated to be collected in that year; and requires that the anticipation notes be payable during the district's current fiscal year. Provides time warrants and maintenance notes issued by the district may be issued to pay for any lawful district expenditure and requires that the warrants and notes be payable over a period not to exceed 35 years from the date of issuance.

Requires the commission to determine whether the amount of the district's maintenance taxes and other available resources required to pay the district's existing obligations is also sufficient to pay the debt service on any time warrants or maintenance notes issued under the bill's provisions. Authorizes the commission, in evaluating the tax rate, to include in the district's budget an improvement project fund, which may be funded to assure that adequate funds are available to the district to comply with the district's covenants and obligations during future years when the amounts projected to be needed will exceed the then-current available maintenance tax funds.

Local Laws Concerning Water and Wastewater Special Districts—S.B. 1162
by Senator Hancock—House Sponsor: Representative Keffer

S.B. 1162 is the seventh bill in the Texas Legislative Council's ongoing project to codify the local laws that govern special districts in this state, the first of which was enacted by the 78th Legislature, Regular Session, 2003.

S.B. 1162 adds 46 new chapters to the Special District Local Laws Code (five drainage districts, four fresh water supply districts, one special utility district, 15 municipal utility districts, one river authority, 17 water control and improvement districts, and three districts with combined powers), with each chapter codifying all of the local laws that govern a particular special district. This bill:

Adds certain chapters to the Special District Local Laws Code and makes conforming changes to relevant statutes.

Provides that this Act is enacted under Section 43, Article III, Texas Constitution. Provides that this Act is intended as a codification only, and no substantive change in the law is intended by this Act. Provides that this Act does not increase or decrease the territory of any special district of the state as those boundaries exist on the effective date of this Act.

Provisions Regarding Groundwater Conservation Districts—S.B. 1336
by Senator Perry—House Sponsor: Representative Keffer

The enabling legislation for a number of groundwater conservation districts is not codified. The election of directors for some of these districts is not on a uniform election date. Clarification is needed relating to applicable and prevailing provisions with regard to some of these districts. This bill:

Changes the rights, powers, privileges, authority, functions, and duties granted to the Clearwater Underground Water Conservation District and the Santa Rita Underground Water Conservation District from the rights, powers, privileges, authority, functions, and duties provided by the general law of the state applicable to underground water conservation districts to the rights, powers, privileges, authority, functions, and duties provided by the general law of the state applicable to groundwater conservation districts.

Changes the rights, powers, privileges, authority, functions, and duties granted to the Crockett County Groundwater Conservation District from the rights, powers, privileges, authority, functions, and duties provided by the general law of the state applicable to underground water conservation districts to the rights, powers, privileges, authority, functions, and duties provided by the general law of the state applicable to groundwater conservation districts, including the rights, powers, privileges, authority, functions, and duties provided by certain provisions applicable to certain other water districts.

Changes the rights, powers, privileges, authority, functions, and duties granted to the Mesa Underground Water Conservation District from the rights, powers, privileges, authority, functions, and duties provided by the general law of the state applicable to underground water conservation districts and water control and improvement districts to the rights, powers, privileges, authority, functions, and duties provided by the general law of the state applicable to groundwater conservation districts. Specifies that the directors election for the district is held on the uniform election date in May of each even-numbered year.

Fire Control, Prevention, and Emergency Medical Services District—S.B. 1453
by Senator Zaffirini—House Sponsor: Representative Tracy King

The cities of Rio Bravo and El Cenizo in Webb County have reported difficulty in providing necessary services for their residents. Currently, fire and emergency medical services (EMS) are performed by volunteers because the cities do not have the capability to hire and pay personnel. The mayors of the cities therefore have requested the authority to establish a fire control, prevention, and emergency medical services district. If a majority of the qualified voters of the proposed district approve the creation of such a district, the cities of El Cenizo and Rio Bravo could train and compensate fire and EMS personnel and provide fire and EMS services. This bill:

Authorizes the governing bodies of the cities of Rio Bravo and El Cenizo to propose the creation of a fire control, prevention, and emergency medical services district under Chapter 344.051 (Authority of Municipality to Propose District), Local Government Code.

West Harris County Regional Water Authority—S.B. 1459
by Senator Bettencourt—House Sponsor: Representative Bohac

The West Harris County Regional Water Authority was created several years ago for the purpose of delivering surface water to users within its boundaries so that the users would be in compliance with certain regulations requiring the users to convert from groundwater supplies to surface water supplies. This bill:

Prohibits the West Harris County Regional Water Authority from annexing or adding territory to the authority that, at the time of annexation or addition, is located within the boundaries of both another regional water authority created as a conservation and reclamation district and a subsidence district. Applies this prohibition only to an annexation or addition of land that is completed on or after the bill's effective date. Establishes that the authority is not a special water authority for purposes of Water Code provisions applicable to certain water districts.

Removes the requirement with regard to provisions relating to the purchase of water from another entity that the authority provide each district or municipality within its boundaries information regarding the share of the capital costs to be paid by the district or municipality and provide each district or municipality the opportunity to fund its share of the capital costs with proceeds from the sale of bonds or fees and charges collected by the districts or municipalities.

Establishes that, except as provided otherwise, the authority retains all the rights, powers, privileges, authority, duties, and functions that it had before the bill's effective date. Provides for the validation and confirmation of certain authority actions and proceedings taken before the bill's effective date.

Authority of County Auditor to Examine Records of Special Districts—S.B. 1510
by Senator Hancock—House Sponsor: Representative Zedler

County auditors serve as a check on the financial operations of other county offices. Auditors have oversight of all books and records of the county related to collection of money and are required to strictly enforce the law governing county finances.

Although Chapter 115 (Audit of County Finances), Local Government Code, requires a county auditor to examine and report on the financial accounts of the commissioners court, it is silent on an auditor's ability to access the books and records of special districts that are financially supported through a commissioners court. This bill:

Requires the county auditor to have continual access to the books and records of a special district and authorizes the county auditor, at the county auditor's discretion, to examine and investigate the correctness of the books, accounts, reports, vouchers, and any other records of a special district if the district's budget requires the approval of the commissioners court and any subsidiary of a special district described by provisions of the bill is supported wholly or partly by public funds.

Authority of TexAmericas Center to Incorporate a Nonprofit Corporation—S.B. 1563
by Senator Eltife—House Sponsor: Representative VanDeaver

TexAmericas Center is a political subdivision of the State of Texas that was formed to take title to property formerly owned by the United States Department of the Army and operated as a portion of Red River Army Depot and Lone Star Army Ammunition Plant in Bowie County. A portion of the property received from the federal government contains structures commonly known as "igloos" or "bunkers," which are designed for the storage of explosives. TexAmericas Center desires to be able to transfer title to such property into a nonprofit title holding corporation to enhance its ability to protect other assets of TexAmericas Center, including the surrounding property and its financial resources, from the risk of explosive damage and/or environmental liability. It is common practice in the private sector for non-taxable entities, such as charities, to establish title holding companies to hold title to property, receive the income from the lease or sale of the property, and remit that income, less expenses, to the parent organization. This bill:

Authorizes the TexAmericas Center (authority) to authorize by resolution the incorporation of a nonprofit corporation under the Business Organizations Code to exercise the powers granted to the authority. Requires a corporation created under Section 3503.111 (Nonprofit Corporations), Special District Local Laws Code, to be a nonmember, nonstock corporation.

Authorizes the nonprofit corporation to acquire and hold title to real property and improvements to that property and collect and remit to the authority income, less expenses, from that real property and from improvements to that property.

Requires the authority's board of directors (board) to appoint the board of directors of the nonprofit corporation. Provides that a board member is not required to reside in the authority.

Authorizes a board member or employee of the authority to simultaneously serve as a member of the board of directors of a nonprofit corporation. Authorizes a person serving as a board member of the authority and of a nonprofit corporation created by the authority to participate in all votes relating to the business of the authority or the corporation, regardless of any statutory prohibition.

Provides that the property, revenue, and income of the authority and of each nonprofit corporation created under Section 3503.111, Special District Local Laws Code, are exempt from all taxes imposed by the state or a political subdivision of the state.

North Plains Groundwater Conservation District Election Date—S.B. 2030
by Senator Seliger—House Sponsor: Representative Price

The board of directors for the North Plains Groundwater Conservation District predicts that moving its election date from May to November will result in a higher voter turnout. This bill:

Amends Chapter 498, Acts of the 54th Legislature, Regular Session, 1955, to remove the requirement that the directors' election of the North Plains Groundwater Conservation District held on a uniform election date in each even-numbered year be held on the uniform election date in May.

Requires the board of directors of the district, if the board changes the election date, to adjust the terms of office to conform to the new election date and to certain state constitutional requirements.

Lone Star Groundwater Conservation District Board Members—S.B. 2049
by Senators Nichols and Creighton—House Sponsor: Representative Bell

The Lone Star Groundwater Conservation District was created to regulate groundwater use within Montgomery County. A provision was added to the district's enabling legislation that exempted the district's board of directors from rules regarding conflicts of interest that are generally applicable to the boards of every special district and local government in the state. This bill:

Repeals Section 6(h), Chapter 1321, Acts of the 77th Legislature, Regular Session, 2001, establishing that a person who qualifies to serve on the board of directors of the Lone Star Groundwater Conservation District shall be qualified to serve as a director and participate in all votes relating to the business of the district and exempting the district from a statutory groundwater conservation district provision relating to conflicts of interest.

Hidalgo County Healthcare District—S.C.R. 39
by Senator Hinojosa—House Sponsor: Representative Guerra

While the establishment of the Hidalgo County Healthcare District will provide numerous benefits to the community, taxpayers should not be unduly burdened to fund the district. The Hidalgo County Healthcare District will serve the insured and uninsured alike, while providing resources to support a medical school, generating new revenue, and creating jobs.

The Hidalgo County Commissioners Court supports the formation of a county health care funding district, and it anticipates that the district will provide a mechanism to receive federal matching funds to support indigent health care services. As part of the district, the county will be eligible for Medicaid reimbursements and matching funds that it is not currently receiving.

The district is intended to decrease the burden on taxpayers by taking advantage of federal matching funds, and underlying support for the district is based on the assumption that once it is formed and operating, the county will reduce its own tax rate accordingly. This resolution:

Provides that the 84th Legislature of the State of Texas hereby respectfully urges Hidalgo County to reduce its tax rate upon establishment of the Hidalgo County Healthcare District.

Requires that the secretary of state to forward official copies of this resolution to the Hidalgo County Commissioners Court.

Healthcare, Hospital, and Medical Districts

Legislation enacted by the 84th Legislature, Regular Session, affected the following healthcare, hospital, and medical districts:

- Cameron County Healthcare District (S.B. 2034 by Senator Lucio et al.; House Sponsor: Representative Lucio III)
- Dallas County Hospital District (S.B. 1461 by Senator West; House Sponsor: Representative Burkett)
- Fisher County Hospital District (H.B. 3513 by Representative Springer; Senate Sponsor: Senator Perry)
- Lynn County Hospital District (S.B. 1908 by Senator Perry; House Sponsor: Representative Burrows)
- Mineola Area Medical District (H.B. 4212 by Representative Hughes; Senate Sponsor: Senator Eltife)

Development, Improvement, and Management Districts

Legislation enacted by the 84th Legislature, Regular Session, affected the following development, improvement, and management districts:

- Barrett Management District (H.B. 3888 by Representative Dutton; Senate Sponsor: Senator Whitmire)
- Bridgeland Management District (S.B. 1362 by Senator Kolkhorst; House Sponsor: Representative Schofield)
- Driftwood Economic Development Municipal Management District (H.B. 2259 by Representative Isaac; Senate Sponsor: Senator Campbell)
- East Houston Management District (H.B. 2100 by Representative Hernandez; Senate Sponsor: Senator Garcia [VETOED])
- East Waller County Management District (H.B. 4158 by Representative Bell; Senate Sponsor: Senator Kolkhorst)
- Fulshear Town Center Management District (H.B. 4152 by Representative Zerwas; Senate Sponsor: Senator Kolkhorst)
- Generation Park Management District (S.B. 839 by Senator Garcia; House Sponsor: Representative Dutton)
- Grand Lakes Estates Management District (H.B. 4154 by Representative Bell; Senate Sponsor: Senator Creighton)
- Greater Greenspoint Management District of Harris County (H.B. 2200 by Representative Senfronia Thompson; Senate Sponsor: Senator Garcia)
- Harris County Water Control and Improvement District No. 157 (H.B. 4202 by Representative Schofield; Senate Sponsor: Senator Kolkhorst)

- Harris County Water Control and Improvement District No. 159 (H.B. 4203 by Representative Schofield; Senate Sponsor: Senator Kolkhorst)
- Hays County Development District No. 1 (H.B. 4184 by Representative Isaac; Senate Sponsor: Senator Campbell)
- Hidalgo County Water Control and Improvement District No. 18 (H.B. 3220 by Representative "Mando" Martinez et al.; Senate Sponsor: Senator Hinojosa)
- Joshua Farms Municipal Management District No. 1 (H.B. 3603 by Representative Burns; Senate Sponsor: Senator Birdwell)
- Joshua Farms Municipal Management District No. 2 (H.B. 3605 by Representative Burns; Senate Sponsor: Senator Birdwell)
- Katy Management District No. 1 (H.B. 4180 by Representative Zerwas; Senate Sponsor: Senator Kolkhorst)
- Missouri City Management District No. 1 (H.B. 4147 by Representative Reynolds; Senate Sponsor: Senator Ellis)
- Missouri City Management District No. 2 (H.B. 4156 by Representative Reynolds; Senate Sponsor: Senator Ellis)
- Simonton Management District No. 1 (H.B. 4192 by Representative Zerwas; Senate Sponsor: Senator Kolkhorst)
- Spectrum Management District (S.B. 2038 by Senator Ellis; House Sponsor: Representative Allen)
- Valley Ranch Medical Center Management District (S.B. 2043 by Senator Nichols; House Sponsor: Representative Bell)
- Valley Ranch Town Center Management District (S.B. 2044 by Senator Nichols; House Sponsor: Representative Bell)
- Vineyard Municipal Management District No. 1 (H.B. 4155 by Representative Farney; Senate Sponsor: Senator Schwertner)

Municipal and Public Utility Districts

Legislation enacted by the 84th Legislature, Regular Session, affected the following municipal and public utility districts:

- Bell County Municipal Utility District No. 3 (H.B. 4159 by Representative Aycock; Senate Sponsor: Senator Fraser)
- Brazoria County Municipal Utility District No. 68 (H.B. 3081 by Representative Ed Thompson; Senate Sponsor: Senator Larry Taylor)
- Burnet County Municipal Utility District No. 1 (H.B. 4160 by Representative Farney; Senate Sponsor: Senator Fraser)
- Canyon Falls Municipal Utility District No. 1 of Denton County (H.B. 2552 by Representative Parker; Senate Sponsor: Senator Nelson)
- Cotton Center Municipal Utility District No. 1 (H.B. 1372 by Representative Isaac et al.; Senate Sponsor: Senator Zaffirini)
- Crosswinds Municipal Utility District (H.B. 2401 by Representative Isaac; Senate Sponsor: Senator Zaffirini)
- Double R Municipal Utility Districts Nos. 1 and 2 of Hunt County (S.B. 2057 by Senator Van Taylor; House Sponsor: Representative Flynn)
- Dowdell Public Utility District (H.B. 4206 by Representative Riddle; Senate Sponsor: Senator Bettencourt)

- F.M. 2920/Becker Road Municipal Utility District of Harris County (S.B. 2002 by Senator Creighton; House Sponsor: Representative Bell)
- Fort Bend Municipal Utility District No. 65 (H.B. 4196 by Representative Stephenson; Senate Sponsor: Senator Huffman)
- Fort Bend Municipal Utility District No. 182 (H.B. 2092 by Representative Zerwas; Senate Sponsor: Senator Kolkhorst)
- Fort Bend Municipal Utility District No. 191 (H.B. 4141 by Representative Stephenson; Senate Sponsor: Senator Huffman)
- Fort Bend County Municipal Utility District No. 216 (H.B. 1068 by Representative Zerwas; Senate Sponsor: Senator Kolkhorst)
- Fort Bend Municipal Utility District No. 218 (H.B. 4126 by Representative Zerwas; Senate Sponsor: Senator Kolkhorst)
- Fort Bend County Municipal Utility District No. 219 (S.B. 2007 by Senator Kolkhorst; House Sponsor: Representative Zerwas)
- Foster Municipal Utility District No. 1 of Montgomery County (H.B. 4127 by Representative Metcalf; Senate Sponsor: Senator Creighton)
- Fulshear Municipal Utility Districts Nos. 4, 5, and 6 (H.B. 2091 by Representative Zerwas; Senate Sponsor: Senator Kolkhorst)
- Galveston County Municipal Utility District No. 35 (S.B. 2033 by Senator Larry Taylor; House Sponsor: Representative Greg Bonnen)
- Galveston County Municipal Utility District No. 36 (S.B. 2032 by Senator Larry Taylor; House Sponsor: Representative Greg Bonnen)
- Harris County Municipal Utility District No. 538 (S.B. 2013 by Senator Kolkhorst; House Sponsor: Representative Schofield)
- Harris County Municipal Utility District No. 539 (S.B. 2008 by Senator Kolkhorst; House Sponsor: Representative Schofield)
- Harris County Municipal Utility District No. 540 (S.B. 1002 by Senator Kolkhorst; House Sponsor: Representative Schofield)
- Harris County Municipal Utility District No. 541 (S.B. 2009 by Senator Kolkhorst; House Sponsor: Representative Schofield)
- Harris County Municipal Utility District No. 543 (S.B. 2037 by Senator Kolkhorst; House Sponsor: Representative Schofield)
- Harris County Municipal Utility District No. 545 (S.B. 1001 by Senator Kolkhorst; House Sponsor: Representative Schofield)
- Harris County Municipal Utility District No. 546 (S.B. 2039 by Senator Creighton; House Sponsor: Representative Dutton)
- Hays County Municipal Utility District No. 7 (H.B. 4183 by Representative Isaac; Senate Sponsor: Senator Campbell)
- Headwaters Municipal Utility District (H.B. 4185 by Representative Isaac; Senate Sponsor: Senator Campbell)
- Legacy Municipal Utility District No. 1 (S.B. 2074 by Senator Campbell; House Sponsor: Representative Isaac)
- Montgomery County Municipal Utility District No. 111 (S.B. 2002 by Senator Creighton; House Sponsor: Representative Bell)

- Montgomery County Municipal Utility District No. 141 (H.B. 4139 by Representative Bell; Senate Sponsor: Senator Creighton)
- Montgomery County Municipal Utility District No. 144 (S.B. 1005 by Senator Creighton; House Sponsor: Representative Keough)
- Montgomery County Municipal Utility District No. 145 (H.B. 1074 by Representative Metcalf; Senate Sponsor: Senator Creighton)
- Montgomery County Municipal Utility District No. 147 (S.B. 2025 by Senator Nichols; House Sponsor: Representative Metcalf)
- Montgomery County Municipal Utility District No. 148 (S.B. 2056 by Senator Bettencourt et al.; House Sponsor: Representative Metcalf)
- Montgomery County Municipal Utility District No. 149 (S.B. 2027 by Senator Nichols; House Sponsor: Representative Metcalf)
- Montgomery County Municipal Utility District No. 150 (S.B. 2026 by Senator Nichols; House Sponsor: Representative Bell)
- Montgomery County Municipal Utility District No. 151 (S.B. 2028 by Senator Nichols; House Sponsor: Representative Metcalf)
- Montgomery County Municipal Utility District No. 152 and Harris County Municipal Utility District No. 465 (H.B. 4154 by Representative Bell; Senate Sponsor: Senator Creighton)
- Montgomery County Municipal Utility District No. 153 (S.B. 2064 by Senator Creighton; House Sponsor: Representative Metcalf)
- Montgomery-Grimes Counties Municipal Utility District No. 146 (H.B. 4153 by Representative Bell; Senate Sponsor: Senator Creighton)
- Needmore Ranch Municipal Utility District No. 1 (S.B. 2075 by Senator Campbell; House Sponsor: Representative Isaac)
- Pine Forest Municipal Utility District (S.B. 2053 by Senator Bettencourt; House Sponsor: Representative Riddle)
- Rebecca Creek Municipal Utility District (H.B. 3286 by Representative Doug Miller; Senate Sponsor: Senator Campbell)
- Venable Ranch Municipal Utility District No. 1 (H.B. 3099 by Representative Fallon; Senate Sponsor: Senator Estes)
- Waller County Municipal Utility District No. 20 (H.B. 4134 by Representative Bell; Senate Sponsor: Senator Kolkhorst)
- Waller County Municipal Utility District No. 21 (H.B. 4132 by Representative Bell; Senate Sponsor: Senator Kolkhorst)
- Waller County Municipal Utility District No. 22 (H.B. 4129 by Representative Bell; Senate Sponsor: Senator Kolkhorst)
- Waller County Municipal Utility District No. 23 (H.B. 4133 by Representative Bell; Senate Sponsor: Senator Kolkhorst)
- Williamson County Municipal Utility District No. 23 (H.B. 1111 by Representative Farney; Senate Sponsor: Senator Schwertner)
- Williamson County Municipal Utility District No. 31 (H.B. 4178 by Representative Farney; Senate Sponsor: Senator Schwertner)
- Williamson County Municipal Utility District No. 32 (H.B. 4179 by Representative Farney; Senate Sponsor: Senator Schwertner)

- Williamson County Municipal Utility District No. 33 (H.B. 4204 by Representative Farney; Senate Sponsor: Senator Schwertner)

Groundwater Conservation Districts

Legislation enacted by the 84th Legislature, Regular Session, affected the following groundwater conservation districts:

- Aransas County Groundwater Conservation District (H.B. 4207 by Representative Morrison; Senate Sponsor: Senator Kolkhorst)
- Coastal Bend Groundwater Conservation District (H.B. 3858 by Representative Stephenson; Senate Sponsor: Senator Kolkhorst)
- Comal Trinity Groundwater Conservation District (H.B. 2407 by Representative Doug Miller; Senate Sponsor: Senator Campbell)

Disclosure of Relationships Between Local Government Officers and Vendors—H.B. 23

by Representatives Sarah Davis and Márquez—Senate Sponsor: Senator Huffman

Current law requires disclosure of information concerning certain local government officers and vendors when engaged in procurement activities. Recent legislation established a select interim committee to study and review statutes and regulations related to ethics, including campaign finance laws, lobby laws, and personal financial disclosure laws. Chapter 176 (Disclosure of Certain Relationships with Local Government Officers; Providing Public Access to Certain Information), Local Government Code, concerns ethics and disclosure laws regarding local government. This bill:

Defines "family relationship," "gift," and "vendor." Adds certain water districts of the definition of "local governmental entity."

Provides that a "local government officer" (officer) includes an agent of a local governmental entity who exercises discretion in the planning, recommending, selecting, or contracting of a vendor. Makes conforming changes.

Decreases the amount of certain gifts from a vendor for which an officer must file a conflict of interest disclosure statement (statement) from $250 to $100.

Strikes language providing that an officer is not required to file a statement in relation to lodging, transportation, or entertainment accepted as a guest by the officer or a family member of the officer.

Provides that an officer is not required to file a statement if the local governmental entity or vendor described is an administrative agency.

Requires a vendor to a complete a conflict of interest questionnaire (questionnaire) if the vendor has a family relationship with an officer of that local governmental entity.

Provides that a person who is both an officer and a vendor of a local governmental entity is required to file the questionnaire only if the person:

- enters or seeks to enter into a contract with the local governmental entity; or
- is an agent of a person who enters or seeks to enter into a contract with the local governmental entity.

Requires that a records administrator maintain a list of local government officers of the local governmental entity and make that list available to the public and any vendor who may be required to file a questionnaire.

Provides that an officer commits an offense under this chapter if the officer fails to comply with certain requirements regarding the filing of a statement.

Provides that a vendor commits an offense under this chapter if the vendor fails to comply with certain requirements regarding the filing of a questionnaire.

Provides that an offense is:

- a Class C misdemeanor if the contract amount is less than $1 million or if there is no contract amount for the contract;

- a Class B misdemeanor if the contract amount is at least $1 million but less than $5 million; or
- a Class A misdemeanor if the contract amount is at least $5 million.

Authorizes a local governmental entity to:

- reprimand, suspend, or terminate the employment of an employee who knowingly fails to comply with a requirement adopted under this chapter; and
- declare a contract void if the governing body determines that a vendor failed to file a questionnaire as required under this chapter.

Provides an exception if, not later than seventh business day after receiving notice from the local governmental entity of the alleged violation, the officer files the required statement or the vendor files the required questionnaire.

Requires the Texas Ethics Commission, as soon as practicable after the effective date of this Act, to adopt forms to implement this Act.

Enforcement of Municipal Rules Regarding Illegal Dumping—H.B. 274

by Representative Miles et al. — Senate Sponsors: Lucio and Zaffirini

According to interested parties, illegal dumping has become an increasingly prevalent crime in many parts of the state. In addition to the discarded items being dangerous, the piles formed by the items are unsightly and attract pests such as mosquitos, rats, and snakes, and often remain in one location until residents report the site to the political subdivision responsible for trash collection. Illegal dumping is especially problematic in residential neighborhoods with increased traffic flow, pedestrian activity, and children playing. This bill:

Prohibits a fine or penalty for the violation of a rule, ordinance, or police regulation from exceeding $500 except that:

- a fine or penalty for the violation of a rule, ordinance, or police regulation that governs fire safety, zoning, or public health and sanitation, other than the dumping of refuse, rather than including the dumping of refuse, is prohibited from exceeding $2,000; and
- a fine or penalty for the violation of a rule, ordinance, or police regulation that governs the dumping of refuse is prohibited from exceed $4,000.

Amends Section 29.003 (Jurisdiction), Government Code, to require a municipal court, including a municipal court of record, to have exclusive original jurisdiction within the municipality's territorial limits and property owned by the municipality located in the municipality's extraterritorial jurisdiction in all criminal cases that are punishable by a fine not to exceed $2,000 in all cases arising under municipal ordinances or resolutions, rules, or orders of a joint board that govern fire safety, zoning, or public health and sanitation, other than the dumping of refuse, rather than including dumping of refuse; $4,000 in cases arising under municipal ordinances that govern the dumping of refuse, and $500 in all other cases arising under a municipal ordinance or a resolution, rule, or order of a joint board.

Amends Article 4.14(a) (relating to municipal court jurisdiction), Code of Criminal Procedure, to require a municipal court, including a municipal court of record, to have exclusive original jurisdiction within the

territorial limits of the municipality in all criminal cases that are punishable by a fine not to exceed $2,000 in all cases arising under municipal ordinances that govern fire safety, zoning, or public health and sanitation, other than the dumping of refuse, rather than including dumping of refuse; $4,000 in cases arising under municipal ordinances that govern the dumping of refuse; or $500 in all other cases arising under a municipal ordinance.

Limitation on the Expansion of Certain Landfills—H.B. 281

by Representatives Simmons and Parker—Senate Sponsor: Senator Nelson

Reports indicate that a number of municipal solid waste landfills are not located in the municipality that owns the landfill but are actually located within the city limits of a second municipality. There is currently no requirement that the Texas Commission on Environmental Quality (TCEQ) consider the views and input of the second municipality when the city that owns the landfill submits an application to increase the size of the landfill. This bill:

Applies only to a landfill located in the City of Lewisville and owned by the City of Farmers Branch.

Prohibits TCEQ from approving an application for the issuance, amendment, or renewal of a permit that seeks to expand the area or capacity of a landfill unless the governing body of the municipality in which the landfill is located first approves by resolution or order the issuance, amendment, or renewal of the permit.

Requires TCEQ to provide the members of the legislature who represent the district containing the landfill described in the permit with an opportunity to comment on the application and to consider those comments in evaluating an application.

Audio and Video Recordings of Open Meetings—H.B. 283

by Representative Fallon et al.—Senate Sponsor: Senator Creighton

A number of local governmental entities do not broadcast or post archived public meetings online even though existing technology makes such a practice simple and inexpensive. This creates a burden for citizens who would like to follow proceedings of the governing boards of such entities but find it difficult to be present at meetings. This bill:

Requires certain governmental bodies to make a video and audio recording of reasonable quality of each regularly scheduled open meeting that is not a work session or a special called meeting.

Requires that such a recording be made available on the Internet not later than seven days after the date the recording is made and that the recording be maintained on the Internet for not less than two years after the date the recording is first made available.

Establishes exemptions due to a catastrophe or technical breakdown.

Authorizes certain governmental bodies to broadcast a regularly scheduled open meeting on television.

Investment Training for Local Government Financial Officers—H.B. 870
by Representatives Smith and Rodney Anderson—Senate Sponsor: Senator Seliger

Concern has been raised regarding the number of investment training instruction hours required for certain local government and school district financial officers under the Public Funds Investment Act after the initial 10 hours of approved, qualified training instruction have been completed. Interested parties assert that such training should be tailored and reduced to a more appropriate amount of time to update and refresh those officers on the law and any changes made since their last training. This bill:

Requires the treasurer, or the chief financial officer if the treasurer is not the chief financial officer, and the investment officer of a local government that has contracted with an investment management firm and has fewer than five full-time employees or an investing entity that has contracted with another investing entity to invest the entity's funds to satisfy certain training requirements by having an officer of the governing body attend four hours of appropriate instruction in a two-year period. Requires the officer to attend at least one training session from an independent source approved by the governing body of the local government or a designated investment committee advising the investment officer as provided for in the investment policy of the local government and containing at least 10 hours of instruction relating to the treasurer's or officer's responsibilities under this subchapter within 12 months after taking office or assuming duties. Requires the officer to attend an investment training session, not less than once in a two-year period, that begins on the first day of that local government's fiscal year and consists of the two consecutive fiscal years after that date, and receive not less than 10 hours of instruction relating to investment responsibilities from an independent source approved by the governing body of the local government or a designated investment committee advising the investment officer as provided for in the investment policy of the local government.

Requires the treasurer, or the chief financial officer if the treasurer is not the chief financial officer, and the investment officer of a school district or a municipality to attend an investment training session not less than once in a two-year period that begins on the first day of the school district's fiscal year and consists of the two consecutive fiscal years after that date, and receive not less than five hours of instruction relating to investment responsibilities under this subchapter from an independent source approved by the governing body of the school district or municipality, or by a designated investment committee advising the investment officer as provided for in the investment policy of the school district or municipality.

Regulation of Knives by a Municipality or County—H.B. 905
by Representative Frullo et al.—Senate Sponsor: Senator Schwertner

Municipal knife ordinances throughout Texas have created a confusing patchwork of laws that dramatically differ from one locality to the next, which makes the laws difficult to enforce and confusing for Texas citizens to follow. H.B. 905 seeks to address the municipal regulation of knives and eliminate confusion over knife ordinances. This bill:

Prohibits a municipality, notwithstanding any other law, including Section 43.002 (Continuation of Land Use) of this code and Chapter 251 (Effect of Nuisance Actions and Governmental Requirements on Preexisting Agricultural Operations), Agriculture Code, from adopting regulations relating to the transfer, private ownership, keeping, transportation, licensing, or registration of firearms, air guns, knives, ammunition, or firearm or air gun supplies. Provides that this does not affect the authority that a municipality has under another law to regulate the use of firearms, air guns, or knives in the case of an

insurrection, riot, or natural disaster if the municipality finds the regulations necessary to protect public health and safety.

Provides that the exception provided by Subsection (b)(4) (relating to regulation of knives under certain other law) does not authorize the seizure or confiscation of any firearm, air gun, knife, or ammunition from an individual who is lawfully carrying or possessing the firearm, air gun, knife, or ammunition.

Defines "knife."

Prohibits a county from adopting regulations relating to the transfer, private ownership, keeping, transportation, licensing, or registration of firearms, air guns, knives, ammunition, or firearm or air gun supplies, and the discharge of a firearm or air gun at a sport shooting range.

Prohibits a municipality or county from enforcing a regulation adopted by the municipality or county before the effective date of this Act that relates to knives. Requires a court in which a proceeding is pending for a violation of a regulation to dismiss the proceeding. Provides that the prohibition of enforcement of a regulation does not affect a final judgment of a court upholding a penalty, or entitle a person who has paid a penalty for a violation of the regulation to a refund of the penalty.

Compensation of Emergency Services Commissioners in Certain Counties—H.B. 973 [VETOED]
by Representatives Hernandez and Coleman—Senate Sponsor: Senator Garcia

It has been reported that when emergency services districts were created, emergency services commissioners functioned primarily as administrators for firefighting services and compensation for their services was capped accordingly. Over time, according to informed parties, the role of an emergency services commissioner in certain large districts has evolved and now encompasses multiple tasks, including the performance of emergency services. The parties believe that this increase in responsibility should be appropriately compensated. This bill:

Applies only to an emergency services commissioner of a district located wholly in a county with a population of more than three million.

Provides that, with certain exceptions, an emergency services commissioner (commissioner) is entitled to receive compensation of not more than $150 per day for each day the commissioner actually spends performing the duties of a commissioner. Prohibits compensation from exceeding $7,200 per year. Authorizes commissioners to be reimbursed for reasonable and necessary expenses incurred in performing official duties.

Authorizes a commissioner, with certain exceptions, to elect to receive per diem compensation of $150 for each day the commissioner actually spends performing the duties of a commissioner. Prohibits a commissioner who receives per diem compensation from being reimbursed for reasonable and necessary expenses. Prohibits per diem payments from exceeding $7,200 per year.

Stormwater Control and Recapture Planning Authorities in Certain Counties—H.B. 995
by Representative Mary González—Senate Sponsor: Senator Rodríguez

Since 2013, flooding caused by stormwater has caused approximately $4 million in damages to property in El Paso County. In addition to significant property damage, stormwater flooding risks public safety. A mechanism is needed to bring all impacted areas and jurisdictions in El Paso County together to create a set of policies and procedures to address and mitigate stormwater flooding. This bill:

Defines, in this chapter, "affected county" and "authority."

Provides that a stormwater control and recapture planning authority is established in each affected county in this state.

Provides that an authority is a political subdivision of this state.

Provides that the territory of an authority includes all of the territory in the affected county in which the authority is located except any territory within the boundaries or extraterritorial jurisdiction of that county's largest municipality, provided that the municipality has a plan in place for the control of stormwater on the date the authority is established.

Provides that the governing body of an authority is a board of directors composed of: a representative of the county in which the authority is located and each municipality within the territory of the authority; a representative of each water utility within the territory of the authority; a representative of each water district within the territory of the authority that has been in operation for at least 15 years; and each member of the state legislature whose legislative district is wholly or partly in the territory of the authority.

Requires that an authority: coordinate and adopt a long-range master plan to facilitate the development and management of integrated stormwater control and recapture projects and facilities within the authority's territory; apply for, accept, and receive gifts, grants, loans, and other money available from any source, including the state, the federal government, and an entity represented on the board of directors, to perform its purposes; and assist an entity represented on the board of directors in carrying out an objective included in the authority's master plan.

Authorizes the authority to enter into contracts as necessary to carry out the authority's powers and duties, and employ staff and consult with and retain experts.

Prohibits the authority from imposing a tax or issuing bonds, or regulating the structures or facilities of an electric utility as "electric utility" is defined by Section 31.002 (Definitions), Utilities Code.

Authorizing a Fee for County Records Technology and Infrastructure—H.B. 1062
by Representative Lucio III—Senate Sponsor: Senator Lucio

New federal regulations will require all governmental records to be maintained in an e-filing system and certain counties, such as Cameron County, seek to integrate the software needs of all the county's offices into one centralized computer software system. There is concern that, due to current budget constraints, the county will not be able to cover the costs associated with the implementation and maintenance of the

integrated computer software system. The parties assert that a technology fee would provide the needed county funds. This bill:

Authorizes the commissioners courts of certain counties to adopt a records technology and infrastructure fee as part of the county's annual budget. Requires that the fee be set and itemized in the county's budget as part of the budget preparation process.

Requires the collection of a records technology and infrastructure fee of $2.00 if the commissioners court of the county adopts the fee as part of the county's annual budget.

Requires that the fee be deposited in a separate records technology and infrastructure account in the general fund of the county. Provides that any interest accrued remains with the account.

Provides that the funds generated from the collection of such a fee may be used only for technology and infrastructure for the maintenance of county records and the operation of the county records system.

Provides that the fee is subject to approval by the commissioners court in a public meeting during the budget process.

Investment Training for Certain Municipal Officers—H.B. 1148

by Representative Kacal—Senate Sponsor: Senator Schwertner

Currently, certain municipal officers are required to regularly attend investment training sessions. Interested parties contend that the costs associated with these training sessions outweigh the investment benefits for certain cities. This bill:

Requires the treasurer, the chief financial officer if the treasurer is not the chief financial officer, and the investment officer of a local government, with certain exceptions to attend an investment training session not less than once in a two-year period that begins on the first day of that local government's fiscal year and consists of the two consecutive fiscal years after that date, and to receive not less than 10 hours of instruction relating to investment responsibilities from an independent source approved by the governing body of the local government or a designated investment committee advising the investment officer as provided for in the investment policy of the local government.

Provides that certain sections of the bill do not apply to an officer of a municipality if the municipality does not invest municipal funds or only deposits municipal funds in interest-bearing deposit accounts or certificates of deposit as authorized by Section 2256.010 (Authorized Investments: Certificates of Deposit and Share Certificates), Government Code.

Sale of Fireworks on Certain Holidays—H.B. 1150

by Representative James White et al.—Senate Sponsor: Senator Nichols

H.B. 1150 amends the Local Government Code to include the Texas Independence Day, San Jacinto Day, and Memorial Day fireworks seasons among the seasons during which the Texas A&M Forest Service must make its services available daily to respond to the request of any county for a determination whether

drought conditions exist on average in the county. The bill includes among the dates by which a county commissioners court must adopt an order restricting or prohibiting the sale or use of restricted fireworks in specified areas on a determination that drought conditions exist: February 15 of each year for the Texas Independence Day fireworks season, April 1 of each year for the San Jacinto Day fireworks season, and May 15 of each year for the Memorial Day fireworks season. This bill:

Authorizes a retail fireworks permit holder, except as provided by the bill, to sell fireworks to the public only during periods as set forth.

Authorizes the commissioners court of a county by order, in addition to the periods during which the sale of fireworks is authorized under provisions of the bill, to allow a retail fireworks permit holder to sell fireworks in that county only to the public and only during one or more of the following periods:

- beginning February 25 and ending at midnight on March 2;
- beginning April 16 and ending at midnight on April 21; and
- beginning the Wednesday before the last Monday in May and ending at midnight on the last Monday in May.

Requires the Texas Forest Service to make its services available each day during the Texas Independence Day, San Jacinto Day, Memorial Day, Fourth of July, and December fireworks seasons to respond to the request of any county for a determination whether drought conditions exist on average in the county.

Requires that the order, to facilitate compliance with an order adopted under Section 352.051(c) (authorizing the commissioners court of the county by order, upon a determination that drought conditions exist on average in a specified county, to prohibit or restrict the sale or use of restricted fireworks in the unincorporated area of the county), Local Government Code, be adopted before:

- February 15 of each year for the Texas Independence Day fireworks season;
- April 1 of each year for the San Jacinto Day fireworks season;
- April 25 of each year for the Cinco de Mayo fireworks season; and
- May 15 of each year for the Memorial Day fireworks season.

Local Government Energy Savings Performance Contracts—H.B. 1184

by Representative Paddie et al.—Senate Sponsor: Senator Eltife

Under current law, certain local governmental entities can enter into energy savings performance contracts to install more efficient systems or equipment that will result in long-term savings in energy, water, or other costs. These contracts provide for the financing of such installations based on a guarantee of future savings. Interested parties assert that similar cost savings could be achieved through performance contracts for motor vehicles and programs resulting in utility cost savings. This bill:

Adds "utility cost savings" as a type of energy savings that could offset the cost of an energy-saving improvement measure for local government buildings and grounds under a performance contract.

Expands the energy savings performance contracts that a local government may enter into with a provider for energy or water conservation or usage measures to include a contract related to a pilot program operated by:

- the Energy Systems Laboratory at the Texas A&M Engineering Experiment Station that, among other things, establishes and implements energy efficiency improvements to state-owned buildings maintained by the Texas Facilities Commission;
- a contract for the implementation of programs resulting in utility cost savings; and
- a contract for the implementation of alternative fuel programs resulting in energy cost savings and reduced emissions for local government vehicles.

Validation of Certain Municipal Airport Zoning Regulations—H.B. 1186

by Representative Craddick—Senate Sponsor: Senator Seliger

On September 17, 2014, the Federal Aviation Administration issued a commercial spaceport license to Midland International Airport, marking the first time an airport with regular passenger air service has also been cleared to host spaceships. The City of Midland undertook many hours toward the creation of an additional overlay zone that included the public notice and open meeting requirements currently found in airport hazard zoning statutes. The city now seeks validation from the state for the zoning ordinances they have adopted. This bill:

Defines "airport zoning regulation."

Provides that the legislature finds that a municipality's adoption of airport zoning regulations is a governmental function, serves a public purpose and benefit, is reasonably taken to fulfill an obligation mandated by federal or state law, and is taken out of a reasonable good-faith belief that the action is necessary to prevent a grave and immediate threat to life or property.

Provides that this Act applies only to an action taken with respect to a municipally owned and operated international airport that has obtained the appropriate Federal Aviation Administration license or other authorization necessary to operate a spaceport, launch site, or commercial space launch site.

Provides that all governmental and proprietary actions and proceedings of a municipality, the municipality's planning and zoning commission, the municipality's airport zoning commission, and the municipality's board of adjustment designated or appointed under Chapter 241 (Municipal and County Zoning Authority Around Airports), Local Government Code, taken before the effective date of this Act relating to the adoption or enforcement of airport zoning regulations under Chapter 241, Local Government Code, in the municipality or the municipality's extraterritorial jurisdiction, are validated, ratified, and confirmed in all respects as of the dates on which they occurred. Provides that all required notices are considered to have been given and are validated, ratified, and confirmed in all respects.

Provides that this Act does not apply to any matter that on the effective date of this Act is involved in litigation if the litigation, ultimately results in the matter being held invalid by a final court judgment, or has been held invalid by a final court judgment.

Financial Statements of Municipal Officers and Candidates—H.B. 1246
by Representative Koop—Senate Sponsor: Senator Button

Chapter 145.005 (Form of Statement), Local Government Code, concerns the form of the personal financial statement that certain municipal officers must file. Currently, Section 145.005(b) requires the municipal clerk or secretary to mail two copies of the form to certain municipal officers or candidates. Allowing the clerks and secretaries the option of delivering these documents by electronic means would provide more flexibility and efficiency. This bill:

Defines "deliver" as transmitting by mail, personal delivery, or e-mail or any other means of electronic transfer.

Changes various references from "mail" to "deliver."

Requires the clerk or secretary to deliver at least one copy of the form, rather than mail two copies, to certain municipal officers.

Gives a clerk or secretary the option of choosing one or more methods for delivering the form.

Annexation of Certain Areas by General-Law Municipality—H.B. 1277
by Representative Ashby et al.—Senate Sponsor: Senator Bettencourt

Current law allows for a general-law municipality to annex adjacent territory without consent of any of the residents or voters of an area under certain circumstances. The landowners affected by the annexation and who are registered voters may petition for disannexation, but the process is cumbersome. Some interested parties assert that this process could be more fair and equitable for the affected landowners if consent was obtained prior to the annexation. This bill:

Authorizes a general-law municipality to annex an area in which 50 percent or more of the property in the area to be annexed is primarily used for a commercial or industrial purpose only if the municipality:

- is otherwise authorized by Subchapter B (General Authority to Annex) to annex the area and complies with the requirements prescribed under that authority; and
- obtains the written consent of the owners of a majority of the property in the area to be annexed.

Requires that the consent be signed by the owners of the property and include a description of the area to be annexed.

Authorizes a general-law municipality, except as provided by Section 43.0235 (Additional Requirements for Annexation of Certain Commercial or Industrial Areas by General-Law Municipalities), Local Government Code, to annex adjacent territory without the consent of any of the residents or voters of the area and without the consent of any of the owners of land in the area provided that certain conditions are met.

Authorizes a general-law municipality, except as provided by Section 43.0235, Local Government Code, to annex adjacent territory without the consent of any of the residents or voters of the area and without the consent of any of the owners of land in the area if certain criteria is fulfilled.

Acquisition and Sale of Unimproved Real Property by an Urban Land Bank—H.B. 1289
by Representative Giddings—Senate Sponsor: Senator West

The original goal of the Urban Land Bank Demonstration Program Act was to provide a legal process for municipalities to convert abandoned structures, vacant land, and tax-foreclosed properties into improved, privately held, taxable properties that meet certain public purposes. The City of Dallas has converted approximately 1,000 urban lots to taxable properties, producing affordable housing in neighborhoods near downtown, and beginning to revitalize many distressed neighborhoods near the urban core. In order to continue this success, these neighborhoods could benefit from commercial revitalization, which complements stable residential development. This bill:

Authorizes the governing body of a municipality to adopt an urban land bank demonstration program in which the officer charged with selling real property ordered sold pursuant to foreclosure of a tax lien may sell certain eligible real property by private sale for affordable housing development or other purposes as provided by Chapter 379C (Urban Land Bank Demonstration Program), Local Government Code, rather than for purposes of affordable housing development as provided by Chapter 379C, Local Government Code.

Authorizes the land bank, notwithstanding the other provisions of Chapter 379C, Local Government Code, to acquire and sell to a developer property intended for commercial use.

Deletes existing text authorizing the land bank, notwithstanding the other provisions of Chapter 379C, Local Government Code, to sell property to a developer to allow the construction of a grocery store that has at least 6,000 square feet of enclosed space and that offers for sale fresh produce and other food items for home consumption.

Provides that a sale under Section 379C.014 (Additional Authorized Use of Land Bank Property), Local Government Code, within the four-year period following the date of acquisition of the property by the land bank is for a public purpose and satisfies the requirement under Section 379C.009(b) (requiring the land bank to sell a property to a qualified participating developer within the four-year period following the date of acquisition for the purpose of construction of affordable housing for sale or rent to low income households with a certain exception), Local Government Code, that the property be sold within the four-year period to a qualified participating developer.

Fiscal Transparency and Accountability of Political Subdivisions—H.B. 1378
by Representative Flynn et al.—Senate Sponsor: Senators Bettencourt and Van Taylor

H.B. 1378 requires local political subdivisions to make annual financial reports and post them online or provide the information in the report to the Comptroller of Public Accounts of the State of Texas (comptroller) to be posted online. The reports are required to contain information concerning the inflow and outflows of funds for the political subdivision as well as information about the debt burden of the political subdivision on a per capita basis and that each political subdivision must report total receipts by source, total disbursements by source, and the balances in each fund at the end of each fiscal year.

H.B. 1378 also requires each political subdivision to provide the following: the amount of authorized debt outstanding; the principal of all debt outstanding; the principal of each debt issuance that is still outstanding;

the combined principal and interest payments needed to retire all the outstanding debt; the principal and interest payments needed to retire each obligation; the amount of each debt obligation that is issued or unissued; the amount of each debt obligation that is spent or unspent; the maturity of each debt obligation; and the purpose for which the debt was originally issued. This bill:

Adds Section 140.008 (Annual Report of Certain Financial Information), Local Government Code, to define several terms, including "debt obligation" and "political subdivision," and requires a political subdivision to annually compile and report certain information set forth regarding debt obligations.

Authorizes the political subdivision to provide in the report a direct link to, or a clear statement describing the location of, the separately posted information instead of replicating in the annual report information that is posted separately on the political subdivision's Internet website.

Authorizes, an alternative to providing an annual report, a political subdivision to provide to the comptroller the information and any other related information required by the comptroller in the form and in the manner prescribed by the comptroller and requires the comptroller to post the information on the comptroller's Internet website.

Provides that the option to report the information to the comptroller is applicable to a municipality with a population of less than 15,000 or a county with a population of less than 35,000.

Amends Section 271.047, Local Government Code, to prohibit the governing body of an issuer from authorizing a certificate to pay a contractual obligation to be incurred if a bond proposition to authorize the issuance of bonds for the same purpose was submitted to the voters during the preceding three years and failed to be approved.

Cemeteries in Certain Municipalities—H.B. 1415

by Representative Kuempel —Senate Sponsors: Uresti and Campbell

H.B. 1415 is a follow up to S.B. 131, passed by the 82nd Legislature, authorizing the City of Schertz to establish a cemetery on or before September 1, 2014. Due to an economic downturn, the city was unable to develop the land for this purpose. H.B. 1415 seeks to remove the deadline by which the cemetery must be established. This bill:

Deletes the existing deadline relating to a person filing a written application with the governing body of a municipality to establish or use a cemetery located inside the boundaries of the municipality.

Appeals Regarding Dangerous Dogs—H.B. 1436

by Representative Smithee—Senate Sponsor: Senator Lucio

Current law allows a person to appeal a determination by an animal control authority (ACA) that the person's dog is dangerous at a justice of the peace court, municipal court, or country court. However, the law does not specify the proper procedures and relevant jurisdiction of higher courts necessary to pursue this appeal. As a result of these gaps in the law, a person who receives notice that the local ACA has

determined his or her dog to be dangerous is denied an adequate opportunity to appeal such a determination as provided by law. This bill:

Requires the court to order the animal control authority to humanely destroy the dog if the owner has not complied with Subsection (a) (requiring a person, not later than the 30th day after the person learns that the person is the owner of a dangerous dog, to perform certain actions) before the 11th day after the date on which the dog is seized or delivered to the authority, except that, notwithstanding any other law or local regulation, the court may not order the destruction of a dog during the pendency of an appeal under Section 822.0424 (Appeal). Requires the court to order the authority to return the dog to the owner if the owner complies with Subsection (a) before the 11th day after the date on which the dog is seized or delivered to the authority.

Requires the animal control authority, if after receiving the sworn statements of any witnesses, the animal control authority determines the dog is a dangerous dog, to notify the owner in writing of the determination, rather than notify the owner of that fact.

Authorizes an owner, notwithstanding any other law, including a municipal ordinance, not later than the 15th day after the date the owner is notified that a dog owned by the owner is a dangerous dog, to appeal the determination of the animal control authority to a justice, county, or municipal court of competent jurisdiction.

Requires that the appeal filed by the owner contain certain information.

Requires the court to determine the estimated costs to house and care for the impounded dog during the appeal process and to set the amount of bond for an appeal adequate to cover those estimated costs.

Churches Providing Overnight Shelter for Children—H.B. 1558

by Representative Parker—Senate Sponsor: Senator Hancock

In many communities, homeless shelters will not accept a homeless child. Under current law, zoning restrictions in municipalities can prohibit churches from providing overnight shelter to children. This bill:

Defines "church" and "religious organization."

Prohibits a municipality from adopting or enforcing an ordinance that prohibits a church from providing overnight shelter for children 17 years of age and younger.

Provides that a municipal ordinance or regulation relating to the safe and sanitary operation of a homeless shelter for children applies to a church that provides overnight shelter for children.

Authorizes a municipality to adopt or enforce an ordinance establishing limits on the number of nights a child may use an overnight shelter provided by a church or on the number of children that can be housed nightly in such a shelter.

Abatement of Public Nuisances on Undeveloped Land—H.B. 1643

by Representative Riddle—Senate Sponsor: Senator Creighton

According to interested parties, certain authorities in Harris County are often being deployed in response to nuisance complaints that do not pose a threat to the public's health. These unnecessary deployments, the parties continue, are an issue in Harris County as developers build new subdivisions in previously undeveloped areas. The parties suggest that current nuisance law contains ambiguities that force county authorities to respond for purposes other than to protect the public from nuisances that pose a hazard to safety, health, and well-being. This bill:

Defines "undeveloped land" and redefines "weeds."

Provides that a public nuisance is maintaining premises in a manner that creates an unsanitary condition likely to attract or harbor mosquitoes, rodents, vermin, or other disease-carrying pests.

Provides that certain provisions apply only to a county with a population of 3.3 million or more and only in an unincorporated area in the county that is at least 5,000 feet outside the boundaries of a home-rule municipality. Provides that certain provisions apply only to undeveloped land in the county for which a condition on that land has been found to cause a public nuisance under those provisions in the preceding year and a finding of public nuisance could have been applied to that condition when the condition first occurred.

Exemption of Certain Property From Municipal Drainage Service Charges—H.B. 1662

by Representative Sheets—Senate Sponsor: Senator Perry

Currently, the Local Government Code authorizes municipalities to charge the owner of a lot or tract of benefitted property a fee for drainage service. These fees are charged to protect the public health and safety in municipalities from loss of life and property caused by surface water overflows and surface water stagnation. However, certain entities are given exemptions to these charges, including school districts, local governments, and religious organizations. This bill:

Provides that a municipality may exempt property owned by a religious organization that is exempt from taxation pursuant to Section 11.20 (Religious Organizations), Tax Code, from all or a portion of drainage charges under Subchapter C (Municipal Drainage Utility Systems), Chapter 552, Local Government Code, as the governing body of the municipality considers appropriate.

Authorizes a municipality to exempt property used for cemetery purposes from drainage charges under Section 552.047 (Drainage Charges), Local Government Code, if the cemetery is closed to new interments and does not accept new burials.

Authority of County Clerk to Require Photo ID for Certain Documents—H.B. 1681

by Representative Bohac—Senate Sponsor: Senator Bettencourt

Reports indicate that seemingly suspicious transactions are sometimes conducted in the lobbies of county clerk offices and that fraudulent documents are sometimes later found to have been filed. Observers assert

that requiring a person filing a document with a county clerk to provide identification and to include identifying information along with the filed document would help deter fraudulent filings. This bill:

Authorizes a county clerk in a county with a population of 3.3 million or more to require a person presenting a document in person for filing in the real property records of the county to present a photo identification to the clerk. Authorizes the clerk to copy the photo identification or record information from the photo identification. Prohibits the clerk from charging a person a fee to copy or record the information from a photo identification.

Provides that information copied or recorded from the photo identification is confidential.

Provides that a document filed with a county clerk is not invalid solely because the county clerk did not copy a photo identification or record the information from the photo identification.

Closing, Abandoning, and Vacating a Public County Road—H.B. 1709
by Representative Harless—Senate Sponsor: Senator Zaffirini

County commissioners courts have general authority to close, abandon, and vacate a public road and may do so either at the request of a person or on its own motion. When such actions are undertaken at the request of an individual, the requestor generally has not borne any of the associated costs of those actions, which the county, and thereby taxpayers, must then cover. There are further concerns regarding the sufficiency of information contained in the title relating to certain rights-of-way and easements. This bill:

Provides that title to a public road or portion of a public road that is closed, abandoned, and vacated to the center line of the road vests on the date the order is signed by the county judge in the owner of the property that abuts the portion of the road being closed, abandoned, and vacated. Requires that a copy of the order be filed in the deed records of the county and serves as the official instrument of conveyance from the county to the owner of the abutting property. Requires that the order state that, if a public utility or common carrier that has the right of eminent domain is using the property being conveyed for a right-of-way or easement purpose, the title to the property is subject to the right-of-way or easement and the continued use by the public utility or common carrier of utility infrastructure in existence on the date the order is signed.

Requires that the commissioners court, not later than the 30th day before the date an order is signed, notify a public utility or common carrier of the proposal to close, abandon, and vacate the public road or portion of the public road.

Authorizes the commissioners court, if a commissioners court closes, abandons, and vacates a public road or a portion of a public road at the request of an owner of property that abuts the portion of the road being closed, abandoned, and vacated, to require the owner to pay all reasonable administrative costs incurred for processing the request and recording the order in the county deed records and reimburse the county for the market value of any property interest conveyed to the owner.

Authorizes a county by order of the commissioners court to adopt standard fees for processing a request and recording an order.

Use of Municipal Occupancy Taxes by a Certain Municipality—H.B. 1717
by Representative Oliveira—Senate Sponsor: Senator Lucio

SpaceX recently decided to build a commercial space launch facility at Boca Chica Beach, south of South Padre Island. The City of South Padre Island seeks greater flexibility with the use of revenue from the municipal hotel occupancy tax for ecological tourism events and the development of space launch viewing facilities in anticipation of increased tourism. This bill:

Authorizes the City of South Padre Island to use a specified portion of the revenue from the municipal hotel occupancy tax for:

- promotional and event expenses for ecological tourism events that meet certain specified criteria;
- expenses directly related to the acquisition of sites to observe spacecraft and spaceport activities; and
- the construction, improvement, enlarging, equipping, repairing, operation, and maintenance of facilities utilized by hotel guests to observe and learn about spacecraft and spaceport operations.

Job Performance on Behalf of First Responder Recovering From Injury—H.B. 1790
by Representatives Márquez and Nevárez.—Senate Sponsor: Senator Lucio

H.B. 1790 amends current law relating to job performance on behalf of a fire fighter or police officer who is recovering from an off-duty injury. This bill:

Authorizes a fire fighter or police officer, if the fire fighter or police officer is temporarily disabled by an injury or illness that is not related to the person's line of duty, to use all sick leave, vacation time, and other accumulated time before the person is placed on temporary leave or have another fire fighter or police officer volunteer to do the person's work while the person is temporarily disabled by the injury or illness.

Suits Brought by Local Governments for Environmental Violations—H.B. 1794
by Representative Geren et al.—Senate Sponsor: Senator Hancock

The process that allows local governments to bring lawsuits for penalties and injunctive relief for violations of environmental laws, such as illegal dumping of pollutants and unpermitted waste sites, supplements the enforcement activities of the Texas Commission on Environmental Quality (TCEQ) and has been in place for several decades. However, the ruling in a recent lawsuit in which penalties were assessed against a company for the release of dangerous pollutants into Texas waters has dramatically altered the face of environmental enforcement in Texas. There is concern that the ruling poses a grave threat to the fairness of Texas' environmental enforcement system and, in the long run, Texas' economic competitiveness. This bill:

Requires that a civil penalty recovered in a suit brought under the provisions of this Act by a local government, except in a suit brought for a violation of Chapter 28 (Water Wells and Drilled or Mined Shafts), Water Code, or Chapter 401 (Radioactive Materials and Other Sources of Radiation), Health and Safety Code, be divided as follows:

- the first $4.3 million of the amount recovered shall be divided equally between the state and the local government that brought the suit, and
- any amount recovered in excess of $4.3 million shall be awarded to the state.

Requires the trier of fact to consider the factors described by Section 7.053 (Factors to be Considered in Determination of Penalty Amount), Water Code, in determining the amount of a civil penalty to be assessed in a suit brought by a local government under the provisions of this Act.

Requires that a suit for a civil penalty that is brought by a local government be brought not later than the fifth anniversary of the earlier of the date that the person who committed the violation:

- notifies TCEQ in writing of the violation; or
- receives a notice of enforcement from TCEQ with respect to the alleged violation.

Continuing Education for Certain County Commissioners—H.B. 1879

by Representative Smith—Senate Sponsor: Senator Bettencourt

Under current law, county commissioners are required to complete at least 16 classroom hours of continuing education in a 12-month period. However, a commissioner is exempt from the annual 16 classroom hours of continuing education if he or she has served a county with a population of 1.3 million or more continuously for 12 years or more and attends annually at least 15 hours of staff briefings on continuing education subjects approved by the County Judges and Commissioners Association of Texas. County commissioners in the biggest counties depend on their large staffs to regularly keep them apprised of information related to local governance, including county government law and operations and legislative changes related to those issues. Additionally, commissioners in large counties who are also attorneys are required to annually complete a minimum of 15 hours of continuing legal education (CLE). The type of CLE courses available to attorneys is vast and includes courses that a county commissioner would find relevant to county governance. This bill:

Provides that Section 81.0025 (Continuing Education), Local Government Code, does not apply to a county commissioner who:

- serves in a county with a population of 1.3 million or more;
- meets at least one of the following requirements:
  - has served continuously for 12 years or more; or
  - is an attorney licensed to practice law in this state for 12 years or more and has completed at least 64 hours of continuing education approved by the County Judges and Commissioners Association of Texas; and
- attends at least 15 hours of staff briefing on continuing education subjects in each 12-month period as approved by the County Judges and Commissioners Association of Texas.

Allocation of State Hotel Occupancy Tax Revenue—H.B. 1915

by Representatives Herrero and Hunter—Senate Sponsor: Senators Hinojosa and Lucio

Certain barrier island coastal municipalities, such as the City of Corpus Christi and the City of Port Aransas, are either not receiving an allocation of state hotel occupancy tax (HOT) revenue or are receiving an allocation in an amount insufficient to fund the purposes for which the revenue is allocated, such as cleaning and maintaining public beaches. This bill:

Applies to the cities of Corpus Christi, Quintana, and Surfside Beach.

Requires the comptroller of public accounts of the State of Texas (comptroller) to:

- compute the amount of applicable revenue derived from the collection of such taxes at a rate of two, rather than one, percent and received from hotels located in an eligible barrier island coastal municipality, rather than on barrier islands in an eligible barrier island coastal municipality, as applicable; and
- issue to the municipality a warrant drawn on the general revenue fund for that amount.

Authorizes an eligible barrier island coastal municipality to use such revenue to clean and maintain bay shores owned by that municipality or leased by that municipality from this state.

Excludes revenue derived from the collection of taxes from certain qualified hotel projects.

Transportation of Senior Citizens for Certain Activities—H.B. 1929

by Representative Rose—Senate Sponsor: Senator West

Under a program operating in Harris County, senior citizens are transported, using county vehicles, to civic, community, educational, and recreational activities in and outside their home county. Offering the same services to Dallas County seniors citizens will lead to lower emergency and chronic health care costs sometimes incurred by senior citizens. This bill:

Authorizes the commissioners court of a county with a population of 2.2 million or more to pay out of the county general funds costs and expenses for the transportation of senior citizens and their caregivers for certain recreational activities within and outside the county if a majority of the costs and expenses paid are for the transportation of senior citizens.

Annexation of Certain Roads and Areas Adjacent to Those Roads—H.B. 1949

by Representatives Springer and Lozano—Senate Sponsor: Senator Van Taylor

Certain statutory provisions relating to the annexation of paved county roads by municipalities under certain circumstances are not sufficiently clear. A considerable number of county roads, including some adjacent to large municipalities, are unpaved dirt or gravel roads. The result is a source of conflict over the responsibility for road and street maintenance. This bill:

Provides that an area of land that would be eligible for annexation under Section 43.028 (Authority of Municipalities to Annex Sparsely Occupied Area on Petition of Area Landowners), Local Government Code, except that the area does not meet the contiguity requirement of certain sections of the bill to be annexed under Section 43.028 if a public right-of-way of a road or highway designated by the municipality exists that:

- is located entirely in the extraterritorial jurisdiction of the municipality; and
- when added to the area would cause the area to be contiguous to the municipality.

Provides that, notwithstanding Section 43.054 (Width Requirements), on annexation of an area described by certain sections of the bill, the public right-of-way that makes the area eligible for annexation under provisions of the bill is included in the annexation to the municipality without regard to whether the owners of the public right-of-way sought annexation under Section 43.028.

Requires that the ordinance providing for annexation provide a metes and bounds description of the public annexed right-of-way.

Provides that a municipality that proposes to annex any portion of a county road, rather than paved county road, or territory that abuts a county road to also annex the entire width of the county road and the adjacent right-of-way on both sides of the county road.

Provides that, if a road annexed under certain provisions of the bill is a gravel road, the county retains control of granting access to the road and its right-of-way from property that:

- is not located in the boundaries of the annexing municipality; and
- is adjacent to the road and right-of-way.

Recycling of County Surplus or Salvage Property—H.B. 2002

by Representative Keffer—Senate Sponsor: Senator Perry

The Local Government Code does not currently expressly authorize a county to use recycling as a method of disposition. This has created ambiguity for county administrators. This bill:

Provides that disposal under Section 263.152(a)(3) (authorizing the commissioners court of a county to order any of a surplus or salvage property to be destroyed or otherwise disposed of as worthless if the commissioners court undertakes to sell that property but is unable to do so because no bids are made), Local Government Code, may be accomplished through a recycling program under which the property is collected, separated, or processed and returned to use in the form of raw materials in the production of new products.

Authority of a Certain County to Impose a Hotel Occupancy Tax—H.B. 2019

by Representative Craddick—Senate Sponsor: Senator Seliger

Across the state numerous county commissioner courts, including Midland County, have been authorized to collect a hotel occupancy tax on room rental revenue from a hotel or motel in the county. Midland

County's population has changed, causing the county to become ineligible for the previously authorized collection of the hotel occupancy tax. This bill:

Updates the population bracket for Midland County from 125,000 to 150,000.

Use of Digital Maps in County Plat Approval Process—H.B. 2033

by Representative Raymond—Senate Sponsor: Senator Zaffirini

Governmental entities such as cities, counties, and appraisal districts have invested heavily in the development of geographic information systems (GIS) that enhance essential functions such as land use analysis, accurate tax parcel creation, public infrastructure maintenance, E-911 addressing, and the rapid delivery of emergency services. While these systems are a great asset to local communities, the rapid growth and development of certain areas of the state may outpace the staffing capacities of those assigned with the maintenance and input of new digital data into these systems. Requiring land developers to submit locally compatible digital maps with georeferencing would lessen the comparable burden on local governmental entities. This bill:

Authorizes the commissioners court to require a plat application submitted for approval to include a digital map that is compatible with other mapping systems used by the county and that georeferences the subdivision plat and related public infrastructure using the Texas Coordinate Systems adopted under Section 21.071 (Adoption of Coordinate Systems), Natural Resources Code. Provides that a digital map required under this provision may be required only in a format widely used by common geographic information system software. Provides that a requirement adopted under this subsection must provide for an exemption from the requirement if the owner of the tract submits with the plat application an acknowledged statement indicating that the digital mapping technology necessary to submit a map that complies with this subsection was not reasonably accessible.

Regarding Alcohol Sales Regulatory Authority—H.B. 2035

by Representative Raymond—Senate Sponsor: Senator Zaffirini

In 1995 the legislature set the maximum portion of gross income that an establishment's alcohol sales could comprise if it had a food and beverage certificate. Establishments that derived more than 75 percent of their gross income from alcohol sales were subject to regulation by certain governmental entities. In 2001 the Alcoholic Beverage Code was amended to provide that an establishment must comply with additional regulations if alcohol sales comprise 50 percent or more of the establishment's gross income. No corresponding provision was established to specifically authorize a governmental entity to regulate the location of an establishment whose alcohol sales comprise more than 50 percent of its gross income.

With the intention of keeping their communities safe, concerned parties in the city of Laredo and other border communities have expressed a desire to regulate certain alcohol-related businesses by placing reasonable restrictions on the location of such alcohol-related businesses—requiring them to be located a certain distance away from a school or church, for instance. This bill:

Clarifies the authority of a governmental entity to regulate the location of an establishment that derives 50 percent or more of its gross revenue from the on-premise sale of alcoholic beverages and that is located in a municipality or county located less than 50 miles from an international border.

Legal Representation for Certain Emergency Services Districts—H.B. 2038

by Representative Geren—Senate Sponsor: Senator Hancock

Emergency services districts (district) in certain populous counties may have an occasional need to contract for private legal counsel, but current law does not authorize a district to enter into such a contract. This bill:

Provides that Section 775.0315 (Legal Representation), Health and Safety Code, applies only to a district located wholly in a county with a population of 1.8 million or more in which two or more cities with a population of 350,000 or more are located.

Authorizes the district to employ or contract with private legal counsel to represent the district on any legal matter. Requires the county attorney, district attorney, or criminal district attorney, as appropriate, with the duty to represent the county in civil matters to represent the district if the district does not employ or contract with private legal counsel on a legal matter.

Authorizes a district that receives legal services from a county attorney, district attorney, or criminal district attorney to employ additional private legal counsel on the determination of the board of emergency services commissioners (board) that additional counsel is advisable.

Authorizes a district that contracts or employs private legal counsel under certain provisions of the bill to request and receive additional legal services from the county attorney, district attorney, or criminal district attorney, as appropriate, with the duty to represent the county in civil matters on the board's determination that additional counsel is necessary.

Requires the district to contribute money to be credited to the county's general fund account for the county attorney, district attorney, or criminal district attorney, as appropriate, in amounts sufficient to pay all additional salaries and expenses incurred by that officer in performing the duties required by the district if the district receives legal services from a county attorney, district attorney, or criminal district attorney.

Revising Requirements for Certain Contracts—H.B. 2049

by Representative Darby et al.—Senate Sponsor: Senator Eltife

The Local Government Code prohibits governmental entities' contracts for engineering or architectural services to contain a provision that requires the engineer or architect to indemnify or defend the governmental entity against liability for damage except when the liability involves damage that is the fault of the engineer or architect through negligence, intentional tort, failure to pay subcontractors, or infringement of intellectual property. However, many governmental agencies are requiring such professionals to defend the agency upon a mere allegation of bad faith, and these types of contractual provisions in a professional services contract are typically uninsurable under a professional liability insurance policy. This bill:

Prohibits a contract for engineering or architectural services from requiring a duty to defend if that contract contains an indemnification provision.

Authorizes the governmental entity to seek reimbursement of reasonable attorney's fees after a final adjudication deciding that the contractor was liable due to an act of negligence or intentional tort, failure to pay subcontractors, or infringement of intellectual property.

Requires that a contract for engineering or architectural services include a standard of care that is ordinarily provided by such professionals in similar circumstances.

Municipal Regulation of the Use of Alarm Systems—H.B. 2162

by Representative Simmons—Senate Sponsor: Senator Campbell

As alarm system products have proliferated and grown in sophistication, Texas alarm system regulations have become outdated. This bill:

Provides that Subchapter F (Burglar Alarm Systems), Chapter 214, Local Government Code, applies only to a municipality with a population of less than 100,000 that is located wholly in a county with a population of less than 500,000.

Defines "alarm system," "permit," "alarm systems monitor," and "false alarm."

Requires that the ordinance, if a municipality adopts an ordinance that requires a person to obtain a permit from the municipality before a person may use an alarm system in the municipality, provide that the permit is valid for at least one year.

Provides that this requirement does not affect the authority of the municipality to:

- revoke, suspend, or otherwise affect the duration of a permit for disciplinary reasons at any time during the period for which the permit is issued; or
- make a permit valid for a period of less than one year if necessary to conform the permit to the termination schedule established by the municipality for permits.

Requires that the fee, if a municipality adopts an ordinance that requires a person to pay an annual fee to obtain a permit from the municipality before the person may use an alarm system in the municipality, be used for the general administration of this subchapter, including the provision of responses generally required to implement Subchapter F-1 (Burglar Alarm Systems in Large Municipalities and Municipalities Wholly or Partly Located in Large Counties), Chapter 214, Local Government Code, other than specific responses to false alarms.

Prohibits a municipal permit fee for an alarm system from exceeding certain rates based on the location.

Sets forth provisions relating to alarm fees, alarm permits, and false alarms. Authorizes a municipality to establish penalties for false alarms.

Prohibits a municipality from considering a false alarm to have occurred unless a response is made by an agency of the municipality within a reasonable time and the agency determines from an inspection of the interior or exterior of the premises that the alarm report by an alarm systems monitor was false.

Authorizes a municipality to require an alarm systems monitor to attempt to contact the occupant of the alarm system location twice before the municipality responds to the alarm signal.

Provides for exceptions for a municipality to respond to alarm systems in certain areas.

Municipal Charters Regarding Alcohol Consumption—H.B. 2296
by Representative Smith—Senate Sponsor: Senator Seliger

Although governing bodies of municipalities regularly adopt local ordinances that are in the best interests of the municipalities' residents, current law requires them to petition for the adoption of an order by the Texas Alcoholic Beverage Commission to prohibit the possession of an open container or the public consumption of an alcoholic beverage in the municipality's central business district. This bill:

Authorizes a municipal governing body to prohibit open containers and public consumption of alcohol by charter or ordinance. Requires the municipality to adopt a map showing where such behavior is prohibited.

Use of Payments under Oil and Gas Leases for Road Maintenance—H.B. 2521
by Representative Coleman et al.—Senate Sponsor: Senator Uresti et al.

As oil and gas is extracted, companies pay royalties and lease fees to the state for the minerals that reside under state land. The commissioner of the General Land Office (GLO) collects these royalty and lease payments and deposits them into general revenue (GR). In areas of the state experiencing heavy oil and gas development, there is not enough county funding to prevent rapid road degradation. H.B. 2521 directs the funds collected from royalty and lease payments from minerals that reside under lands owned by counties, such as county roads, to the counties, rather than to GR, and requires that counties use the funds solely for road maintenance and construction. This bill:

Requires that any payment received from the leasing of oil and gas under lands owned by the state that were or may be acquired by a county to construct a county road be deposited to the credit of the county road oil and gas fund as provided by Section 32.2015 (Fund), Natural Resources Code. Requires that any payment under such lease be made directly to the county treasurer, or officer performing the function of that office, in the county in which the land is located, as determined by the commissioner and described in the lease, and to be deposited to the credit of the county road and bridge fund of the county.

Adds Section 32.2015 (Fund) to the Natural Resources Code to provide that the county road oil and gas fund is a trust fund outside the state treasury to be held and administered by the comptroller as trustee for the payment, without appropriation, to counties of money received from the leasing of oil and gas under lands owned by the state that were or may be acquired by a county to construct a county road. Requires GLO to deposit to the credit of the fund money received under Section 32.201 (Preferential Right to Lease Certain Land by Adjoining Mineral Owner), Natural Resources Code, from the leasing of oil and gas under lands owned by the state that were or may be acquired by a county to construct a county road. Requires

that interest or other income from investment of the fund be deposited to the credit of the fund. Requires that money in the fund received from the leasing of oil and gas under lands located in a county, together with the interest or other income from investment of that money deposited to the credit of the fund, to be disbursed at least twice each fiscal year, without appropriation, to the county treasurer or officer performing the function of that office. Requires the county treasurer or officer to deposit amounts received to the credit of the county road and bridge fund of the county. Requires that money deposited to the credit of that fund be used by the county only for road maintenance purposes

Jurisdiction in Eminent Domain Proceedings in Harris County—H.B. 2536
by Representative Harless et al.—Senate Sponsor: Senator Whitmire

In Texas, district courts and county courts generally have concurrent jurisdiction in eminent domain cases, but the jurisdiction of the Harris County district court over eminent domain was removed nearly 30 years ago to alleviate a caseload imbalance between the district courts and the underused county courts. This imbalance no longer exists, and providing county courts with exclusive jurisdiction over eminent domain cases has become unnecessary. This bill:

Limits the exclusive jurisdiction of a county civil court at law in Harris County to eminent domain proceedings when the amount in controversy does not exceed the $200,000.

Authorizes a party initiating a condemnation proceeding in Harris County to file a petition with the district clerk when the amount in controversy exceeds $200,000.

Provides that the amount in controversy is the amount of the bona fide offer made by the entity with eminent domain authority to acquire the property from the property owner voluntarily.

Powers of a Public Facility Corporation—H.B. 2679
by Representative Flynn—Senate Sponsor: Senator Estes

Regulations relating to the powers of a public facility corporation have not been updated for some time. In light of that observation, interested parties express concern that terms, definitions, and practices have evolved over time, creating a need to update these regulations in order to help public facility corporations operate more efficiently. This bill:

Defines "credit agreement" and "public facility."

Authorizes a sponsor to create one or more nonmember, nonstock, nonprofit public facility corporations to issue bonds under Chapter 303 (Authority to Create), Local Government Code, including bonds to purchase sponsor obligations.

Provides that, subject to Section 303.045 (Alteration of Corporation or Activities), Local Government Code, a corporation has the rights and powers necessary or convenient to accomplish the corporation's purposes, including the power to accept or grant a mortgage or pledge of a public facility financed, refinanced, or provided by the corporation or by sponsor obligations purchased by the corporation and, as security for the payment of any connected bonds or credit agreements that the corporation issues or incurs, assign the

mortgage or pledge and the revenue and receipts from the mortgage or pledge or from the corporation or sponsor obligations; make a contract, including a credit agreement; incur a liability, borrow or lend money at interest; and exercise any powers that a nonprofit corporation may exercise, to the extent necessary or convenient to accomplish the purpose of the corporation.

Provides that the authority granted under provisions of the bill includes the authority to grant a leasehold or other possessory interest in a public facility owned by the corporation.

Requires that a leasehold or other possessory interest in the real property of the public facility granted by the corporation, notwithstanding certain provisions of the bill, during a period of time that a corporation owns a particular public facility, be treated in the same manner as a leasehold or other possessory interest in real property granted by an authority under Section 379B.011(b) (relating to a leasehold or other possessory interest in real property granted by an authority for certain projects), Local Government Code.

Health Care Provider Participation Programs in Certain Counties—H.B. 2809

by Representative Charles "Doc" Anderson and Kacal—Senate Sponsor: Senator Birdwell

A recently approved Medicaid waiver has helped empower local communities to transform the delivery of health care by establishing local projects tailored to meet a community's unique health care needs. However, the new system requires local government funds to support waiver payments. Interested parties assert that communities without hospital districts are at a disadvantage because, although they may provide a tremendous amount of uncompensated care, they lack a mechanism to generate the funds necessary to draw down federal dollars. One option already available to several Texas counties is the creation of a local provider participation fund, which allows local providers to access more federal funds and helps ensure access to care and reduce the level of uncompensated care in the community. The parties contend that such an option would provide the residents of disadvantaged counties the opportunity to solve a local problem without burdening local taxpayers or requiring state general revenue. This bill:

Defines "institutional health care provider," "paying hospital," and "program."

Provides that Chapter 294 (County Health Care Provider Participation Program in Certain Counties Containing a Private University), Health and Safety Code, applies only to a county that is not served by a hospital district or a public hospital, contains a private institution of higher education with a student enrollment of more than 12,000, and has a population of less than 250,000.

Provides that a county health care provider participation program (program) authorizes a county to collect a mandatory payment from each institutional health care provider located in the county to be deposited in a local provider participation fund established by the county. Provides that money in the fund may be used by the county to fund certain intergovernmental transfers and indigent care programs as provided by Chapter 294, Health and Safety Code.

Authorizes the commissioners court to adopt an order authorizing a county to participate in the program, subject to the limitations provided by Chapter 294, Health and Safety Code.

Sets forth powers and duties of the commissioners court of a county.

Provides that the general commissioners court of a county is required to hold public hearings, collect mandatory payments, and create a local provider participation fund.

Authorizes the commissioners court of a county that collects a mandatory payment authorized under Chapter 294, Health and Safety Code, to require an annual mandatory payment to be assessed quarterly on the net patient revenue of each institutional health care provider located in the county. Provides that, in the first year in which the mandatory payment is required, the mandatory payment is assessed on the net patient revenue of an institutional health care provider as determined by the data reported to DSHS under Sections 311.032 (Department Administration of Hospital Reporting and Collection System), and 311.033 (Financial and Utilization Data Required), Health and Safety Code, in the fiscal year ending in 2014. Requires the county to update the amount of the mandatory payment on an annual basis.

Requires that the amount of a mandatory payment authorized under Chapter 294, Health and Safety Code, be uniformly proportionate with the amount of net patient revenue generated by each paying hospital in the county. Prohibits a mandatory payment authorized under Chapter 294, Health and Safety Code, from holding harmless any institutional health care provider, as required under 42 U.S.C. Section 1396b(w).

Requires the commissioners court of a county that collects a mandatory payment authorized under Chapter 294, Health and Safety Code, to set the amount of the mandatory payment. Prohibits the amount of the mandatory payment required of each paying hospital from exceeding an amount that, when added to the amount of the mandatory payments required from all other paying hospitals in the county, equals an amount of revenue that exceeds six percent of the aggregate net patient revenue of all paying hospitals in the county.

Requires the commissioners court of a county that collects a mandatory payment authorized under Chapter 294, Health and Safety Code, subject to the maximum amount prescribed by Section 294.151(c) (relating to commissioners court setting an amount for mandatory payment), to set the mandatory payments in amounts that in the aggregate will generate sufficient revenue to cover the administrative expenses of the county for activities under Chapter 294, Health and Safety Code, to fund the nonfederal share of a Medicaid supplemental payment program, and to pay for indigent programs, except that the amount of revenue from mandatory payments used for administrative expenses of the county for activities under Chapter 294, Health and Safety Code, in a year may not exceed the lesser of four percent of the total revenue generated from the mandatory payment or $20,000.

Prohibits a paying hospital from adding a mandatory payment required under provisions of the bill as a surcharge to a patient.

Provides that interest, penalties, and discounts on mandatory payments are governed by the law applicable to county ad valorem taxes.

Access by Municipality or County to Criminal History Information—H.B. 2828
by Representative Phillips—Senate Sponsor: Senator Burton

Some local governmental entities rely heavily on volunteer and contract support. However, it is not clear that a county or municipality can legally perform background checks on these volunteers and contract employees. This bill:

Authorizes a municipality or county to obtain criminal history record information that relates to a person who is:

- an employee;
- an applicant for employment by or an employee of a business or person that contracts with the municipality or county; or
- an applicant for a volunteer position or a volunteer with the municipality or county.

Duty of a County to Refund an Overpayment—H.B. 2830 [VETOED]

by Representative "Mando" Martinez and Springer—Senate Sponsor: Senator Hinojosa

Many counties around the state are required to mail a refund to an individual if the individual overpays a bill to the county. Such an overpayment is usually a very small amount, and the refunding process often costs the county more in printing and mailing than the actual amount of the refund. This bill:

Provides that a county is not required to refund an amount overpaid or otherwise paid in error to the county clerk or district clerk by a person if that amount is $2 or less unless the person requests the refund in writing.

Election of Certain Bail Bond Board Members—H.B. 2894

by Representative Lozano—Senate Sponsor: Senator Hinojosa

Certain members of a county bail bond board are not public officials—an elected licensed bail bond surety or agent and an elected criminal defense attorney. While statute initially did not provide for how these members were to be elected, an election procedure was eventually established for the surety or agent. However, the law remains silent with respect to the election procedure for the criminal defense attorney board member. This bill:

Requires the county bail bond board (board) to annually conduct a secret ballot election to elect the members of the board who serve as the representative of licensed bail bond sureties and the representative of criminal defense attorneys by electing a licensed bail bond surety or agent for a corporate surety board member and a criminal defense attorney who is practicing in the county.

Entitles each individual licensed in the county as a bail bond surety or agent for a corporate surety to cast one vote for each license held to elect the board member who is a surety or agent for a corporate surety.

Entitles each attorney who has a principal place of business located in the county and who is not legally prohibited from representing criminal defendants in the county to cast one vote to elect the board member who is a criminal defense attorney.

Entitles each elected justice of the peace in the county who is not legally prohibited from voting in an election for the purpose to cast one vote to elect the board member who is a justice of the peace.

Health Care Provider Participation Programs in Certain Counties—H.B. 2913
by Representative Aycock et al.—Senate Sponsor: Senator Fraser

In 2011, the Health and Human Services Commission (HHSC) received legislative approval to apply for an 1115 Transformation Waiver (waiver). The waiver gave hospitals the opportunity to receive federal matching funds for local projects and uncompensated care expenses. However, one provision of the waiver requires hospitals to access local government funds in order to draw down available federal matching funds. As a result, counties without a hospital district are not able to procure the necessary local funds to complete the intergovernmental transfer and receive federal funds.

Currently, Bell County hospitals provide a large amount of uncompensated care. However, they lack a funding mechanism to draw down their share of federal funds available under the waiver program. This bill:

Defines "institutional health care provider," "paying hospital," and "program."

Provides that Chapter 297 (County Health Care Provider Participation Program in Certain Counties Containing a Military Base), Health and Safety Code, applies only to a county that is not served by a hospital district or a public hospital, in which a military base with more than 30,000 military personnel is partially located, and that has a population of more than 300,000.

Provides that a county health care provider participation program (program) authorizes a county to collect a mandatory payment from each institutional health care provider located in the county to be deposited in a local provider participation fund established by the county. Authorizes money in the fund to be used by the county to fund certain intergovernmental transfers and indigent care programs as provided by Chapter 297, Health and Safety Code.

Authorizes the commissioners court to adopt an order authorizing a county to participate in the program, subject to the limitations provided by Chapter 297, Health and Safety Code.

Sets forth powers and duties of a commissioners court and general financial provisions.

Authorizes the commissioners court of a county that collects a mandatory payment authorized under Chapter 297, Health and Safety Code, except as provided by certain provisions of the bill, to require an annual mandatory payment to be assessed quarterly on the net patient revenue of each institutional health care provider located in the county. Provides that, in the first year in which the mandatory payment is required, the mandatory payment is assessed on the net patient revenue of an institutional health care provider as determined by the data reported to DSHS under Sections 311.032 (Department Administration of Hospital Reporting and Collection System), and 311.033 (Financial and Utilization Data Required), Health and Safety Code, in the fiscal year ending in 2013. Authorizes the county to update the amount of the mandatory payment on an annual basis.

Requires that the amount of a mandatory payment authorized under Chapter 297, Health and Safety Code, be uniformly proportionate with the amount of net patient revenue generated by each paying hospital in the county. Prohibits a mandatory payment authorized under Chapter 297, Health and Safety Code, from holding harmless any institutional health care provider, as required under 42 U.S.C. Section 1396b(w).

Requires the commissioners court of a county that collects a mandatory payment authorized under Chapter 297, Health and Safety Code, to set the amount of the mandatory payment. Prohibits the amount of the mandatory payment required of each paying hospital from exceeding an amount that, when added to the amount of the mandatory payments required from all other paying hospitals in the county, equals an amount of revenue that exceeds six percent of the aggregate net patient revenue of all paying hospitals in the county.

Requires the commissioners court of a county that collects a mandatory payment authorized under Chapter 297, Health and Safety Code, to set the mandatory payments in amounts that in the aggregate will generate sufficient revenue to cover the administrative expenses of the county for activities under Chapter 297, Health and Safety Code, to fund the nonfederal share of a Medicaid supplemental payment program, and to pay for indigent programs. Prohibits the amount of revenue from mandatory payments used for administrative expenses of the county for activities under Chapter 297, Health and Safety Code, from exceeding the lesser of four percent of the total revenue generated from the mandatory payment in a year or $20,000.

Prohibits a paying hospital from adding a mandatory payment required under certain provisions of the bill as a surcharge to a patient.

Requires the county tax assessor-collector to collect mandatory payments. Provides that interest, penalties, and discounts on mandatory payments be deposited in the county general fund and, if appropriate, be reported as fees of the county tax assessor-collector.

Taxes for Street Lighting in Colonias—H.B. 3002

by Representative Mando Martinez et al.—Senate Sponsor: Senator Hinojosa

Hidalgo County in South Texas has more colonias than any other county in the United States. Colonias are unincorporated communities in counties that are usually characterized by poor infrastructure, lower quality homes, and higher incidences of crime. Over the last few sessions, various pieces of legislation have sought to address the infrastructure issues within colonias. Section 280.003 (Street Lights in Subdivision Located in Certain Counties), Transportation Code, currently allows counties to establish street lighting in colonia subdivisions and impose a fee on landowners who benefit from the street lights. However, some counties maintain that the current statute is silent on the process of how the fees should be assessed and collected by a county tax assessor-collector. This bill:

Authorizes the commissioners court of a county by order to provide for the collection of a fee imposed by the county tax assessor-collector for the establishment of street lights along a county road located in a subdivision.

Requires the county tax assessor-collector to include the fee in the tax bill prepared under Section 31.01 (Tax Bills), Tax Code, for each landowner whose real property is benefitted by the street lights for which the fee is imposed. Requires that the tax bill separately state the amount of the fee.

Authorizes a commissioners court to obtain a lien against real property benefited by the street lights to secure payment of the fee.

Requires the commissioners court, to obtain the lien, to file a notice with the county clerk of the county in which the property is located that includes a statement that the fee has been imposed on the landowner and the amount of the fee; a legal description of the property on which the lien is to be attached sufficient to identify the property; and the name of the landowner, if known.

Provides that the lien authorized by this section exists in favor of the county.
Provides that the lien attaches to the real property on the date the notice of lien is filed with the county clerk.
Provides that the lien is inferior to a mortgage lien recorded with the county clerk before the date such a lien attaches to the property. Prohibits a county from foreclosing the lien if it is the only lien attached to the property.

Functions of a Municipal Building and Standards Commission Panel—H.B. 3060 [VETOED]
by Representative Anchia—Senate Sponsor: Senator West

Recently enacted legislation gave certain municipalities the subject matter jurisdiction to enforce their animal control and water conservation ordinances through a civil action or quasi-judicial hearing rather than through a criminal proceeding. However, interested parties assert that the legislation failed to make a corresponding change to give the municipalities actual enforcement authority. This bill:

Authorizes a municipal building and standards commission panel to take action as necessary to remedy, alleviate, or abate a violation of an ordinance relating to animal care and control or a water conservation measure, including a water restriction.

Donations to Crime Prevention Organizations—H.B. 3067
by Representative Coleman—Senate Sponsor: Senator Larry Taylor et al.

Currently, the commissioners court of a county may donate up to $25,000 each year to a crime stoppers or crime prevention organization, regardless of county population. This bill:

Authorizes the commissioners court of a county by contract to donate money to one or more crime stoppers or crime prevention organizations for expenditure by the organizations to meet the goals identified in Section 351.901(a) (defines "crime stoppers organization" and "crime prevention organization"), Local Government Code. Prohibits the total amount of all donations made in a calendar year from exceeding $25,000, or, for a county with a population of one million or more, $100,000.

Municipal Advisors—H.B. 3132
by Representative Parker—Senate Sponsor: Senator Birdwell

Any municipal advisor wishing to advise a municipality regarding the issuance of bonds is currently required to register as a dealer or investment adviser in accordance with certain provisions of The Securities Act. Due to recent changes in federal law, a separate category specifically for municipal advisor registrants has been created and, as a result, municipal advisors are now required to register as both a state investment adviser and as a municipal advisor. This bill:

Adds registration with the United States Securities and Exchange Commission as a municipal advisor under the federal Securities Exchange Act of 1934 as an alternative condition of eligibility to be a financial adviser or an investment adviser for purposes of the issuance of public securities and related matters.

Health Care Provider Participation Programs in Certain Counties—H.B. 3175
by Representatives Simpson and Isaac—Senate Sponsor: Senator Campbell

The limited provider participation fund is needed in Hays County because the community does not have a large hospital district or public hospital that is able to help local private safety-net hospitals access the Texas Waiver. Though Hays County does not have a public hospital or hospital district, its local private safety-net hospitals must meet the same challenges as communities that do have large governmental hospitals. This bill:

Defines "institutional health care provider," "paying hospital," and "program."

Provides that Chapter 293 (County Health Care Provider Participation Program in Certain Counties), Health and Safety Code, applies only to a county that is not served by a hospital district, is located in the Texas-Louisiana border region, as that region is defined by Section 2056.002 (Strategic Plans), Government Code, and has a population of more than 100,000 but less than 200,000.

Provides that a county health care provider participation program (program) authorizes a county to collect a mandatory payment from each institutional health care provider located in the county to be deposited in a local provider participation fund established by the county. Provides that money in the fund may be used by the county to fund certain intergovernmental transfers and indigent care programs as provided by Chapter 293, Health and Safety Code.

Authorizes the commissioners court to adopt an order authorizing a county to participate in the program, subject to the limitations provided by Chapter 293, Health and Safety Code.

Sets forth the powers and duties of a commissioners court of a county and general financial provisions.

Authorizes a commissioners court of a county to require an annual mandatory payment to be assessed quarterly on the net patient revenue of each institutional health care provider located in the county. Sets forth rules regarding mandatory payments.

Health Care Provider Participation Programs in Certain Counties—H.B. 3185
by Representative Raney—Senate Sponsor: Senator Lucio and Schwertner

Rural areas often lack adequate access to health care services as a result of financial burdens caused by the high-cost, low-revenue environment created by indigent care programs, high administrative costs, and meager Medicaid payments. This bill:

Defines "institutional health care provider," "paying hospital," and "program."

Provides that Chapter 296 (County Health Care Provider Participation Program in Certain Counties), Health and Safety Code, applies only to a county that is not served by a hospital district or a public hospital and has a population of less than 200,000 and contains two municipalities both with populations of 75,000 or more.

Provides that a county health care provider participation program authorizes a county to collect a mandatory payment from each institutional health care provider located in the county to be deposited in a local provider participation fund established by the county. Provides that money in the fund may be used by the county to fund certain intergovernmental transfers and indigent care programs as provided by Chapter 296, Health and Safety Code.

Authorizes the commissioners court to adopt an order authorizing a county to participate in the program, subject to the limitations provided by Chapter 296, Health and Safety Code.

Sets forth the powers and duties of a commissioners court of a county and general financial provisions.

Authorizes a commissioners court of a county to require an annual mandatory payment to be assessed on the net patient revenue of each institutional health care provider located in the county. Sets forth rules regarding mandatory payments.

Assessments for Water and Energy Improvements in Municipalities—H.B. 3187
by Representative Keffer and Workman—Senate Sponsor: Senator Lucio

Technical and other changes are necessary to enable more efficient and cost-effective administration of programs under the Property Assessed Clean Energy Act. This bill:

Provides that the establishment and operation of a program under Chapter 399 (Municipal and County Water and Energy Improvement Regions), Local Government Code, by a local government is a governmental function for all purposes.

Requires the governing body of a local government, for the purpose of establishing a program under Chapter 399, Local Government Code, to adopt a resolution of intent that includes a statement identifying the appropriate representative of the local government, rather than the appropriate local official, and the appropriate assessor-collector for purposes of consulting regarding collecting the proposed contractual assessments imposed on the assessed property, rather than the proposed contractual assessments with property taxes imposed on the assessed property.

Provides that the fees authorized by provisions of the bill may be assessed as a program application fee paid by the property owner requesting to participate in the program expressed as a set amount, a percentage of the amount of the assessment, or in any other manner.

Requires that the report for a proposed program required by Section 399.008 (Procedure for Establishment of Program), Local Government Code, include a statement identifying a local government representative.

Requires the local government to make the report available for public inspection at the office of the representative.

Requires that a program established under Chapter 399, Local Government Code, require for each proposed qualified project a verification that a proposed qualified improvement meets the requirements of a qualified project.

Provides that a verification provided as required under provisions of the bill conclusively establishes that the improvement is a qualified improvement and the project is a qualified project.

Requires the local government, after a qualified project is completed, to require written verification.

Prohibits that, after the notice of a contractual assessment is recorded as provided under Section 399.013 (Recording of Notice of Contractual Assessment Required), Local Government Code, the lien may not be contested on the basis that the improvement is not a qualified improvement or the project is not a qualified project.

Authorizes any combination of local governments to agree to jointly implement or administer a program under this chapter, including entering into an interlocal contract under Chapter 791 (Interlocal Cooperation Contracts), Government Code, to jointly implement or administer a program.

Authorizes one or more local governments to contract with a third party, including another local government, to administer a program. Authorizes local governments that are parties to an interlocal contract described by provisions of the bill to contract with an entity listed in Section 791.013 (Contract Supervision and Administration), Government Code, for program administration.

Provides that the members of the governing body of a local government, employees of a local government, and board members, executives, employees, and contractors of a third party who enter into a contract with a local government to provide administrative services for a program under this chapter are not personally liable as a result of exercising any rights or responsibilities granted under Chapter 399, Local Government Code.

Location of an Offeror's Principal Place of Business for Municipal Contracts—H.B. 3193 [VETOED]
by Representative Bernal—Senate Sponsor: Senator Menéndez

Interested parties explain that municipalities are currently authorized to grant contracting preferences to local businesses for certain contracts if the bidder's principal place of business is in the municipality and the bidder's price is within a certain range of the lowest bid. The parties are concerned that there is a lack of uniformity in state law regarding the types of contracts for which municipalities are authorized to consider a bidder's or offeror's principal place of business when accepting bids or proposals. This bill:

Provides that Section 271.9052 (Consideration of Location of Offeror's Principal Place of Business in Awarding Certain Municipal Contracts) applies only to a municipality that contains more than 75 percent of the population of a county with a population of 1.5 million or more.

Authorizes a municipality, in purchasing as authorized under Title 8 (Acquisition, Sale, or Lease of Property), Local Government Code, any personal property that is not affixed to real property or services other than professional services, if a municipality that solicits requests for proposals receives one or more proposals from an offeror whose principal place of business is in the municipality, to consider, as a percentage of the evaluation factors in accordance with provisions of the bill, an offeror's principal place of business unless the contract is for construction services in an amount of $100,000 or more.

Requires a municipality, if a municipality elects to consider an offeror's principal place of business under provisions of the bill and scores an offeror's proposal on a 100-point scale, to assign 10 points to an offeror with a principal place of business in the municipality or five points to an offeror who employs at least 20 percent of the offeror's employees in the municipality or at least 100 employees in the municipality.

Provides that Section 271.9052 does not prohibit a municipality from rejecting any proposal.

Broker Agreements for the Sale of Real Property—H.B. 3244
by Representative Burkett—Senate Sponsor: Senator Hall

Current law allows cities that have full ownership of properties to use a broker in the sale of such properties; however, it does not specify whether cities holding properties in trust for other taxing entities can use brokers in the sale of real property. This vague wording restricts a city's ability to dispose of nuisance or foreclosed properties that the city is holding in trust and places an additional burden on city staff. This bill:

Amends Section 253.014(b) (relating to authorizing the governing body of a home-rule municipality to contract with a broker to sell a tract of real property that is owned by the municipality), Local Government Code, to authorize the governing body of a home-rule municipality to contract with a broker to sell a tract of real property that the municipality owns or holds in trust and has the authority to sell.

Authorizing Certain Nonprofits to Discontinue Governmental Sponsorship—H.B. 3245
by Representative Crownover—Senate Sponsor: Senator Hancock

The North Texas Higher Education Authority (NTHEA) was founded in 1978 with sponsorship by the cities of Arlington and Denton under the Higher Education Loan Authority Act. It issued revenue bonds on behalf of both cities to provide student loans that are guaranteed by the federal government. After its role in ensuring access to federal student loans was eliminated by the passage of the Affordable Care Act in 2010, NTHEA is discontinuing its operations. This bill:

Authorizes certain nonprofits, including NTHEA, to withdraw from sponsorship by certain cities.

Durable Power of Attorney for Certain Real Property Transactions—H.B. 3316
by Representative Doug Miller—Senate Sponsor: Senator Hancock

Current law requires that a durable power of attorney be filed in county records for real property transactions that require the execution and delivery of instruments. An untimely filing of a durable power of attorney can result in a real property transaction losing legal standing or in a break in the chain of title. This bill:

Requires that a durable power of attorney for certain real property transactions requiring the execution and delivery of an instrument be recorded not later than the 30th day after the date the instrument is filed for recording.

Posting Meeting Notices on the Internet—H.B. 3357
by Representative Lucio III—Senate Sponsor: Senator Eltife

Statute requires certain governmental entities to post notice of meetings in a place that is readily accessible to the general public for a period of time prior to the meeting and to provide notice to the appropriate county clerk. Interested parties note that the requirement to provide notice to the clerk is burdensome. Advocates contend that meeting notices are more likely to be seen by the general public if they are posted on the entity's website. This bill:

Authorizes the governing body of a political subdivision to post meeting notices on its Internet website.

Hotel Occupancy Tax Revenue in the City of Victoria—H.B. 3595
by Representative Morrison—Senate Sponsor: Senator Kolkhorst

The City of Victoria wishes to use hotel occupancy tax revenue to construct sports facilities. Recently, construction has been completed on a significant number of new hotel rooms in such municipalities in response to recent economic growth. The City of Victoria wishes to continue to attract overnight visitors to local hotels through sports facilities and athletic events. This bill:

Authorizes the City of Victoria, in addition to other authorized uses, to use revenue derived from the municipal hotel occupancy tax to promote tourism and the convention and hotel industry by constructing, maintaining, or expanding a sporting-related facility owned by the municipality that meets certain specified criteria.

Hotel Occupancy Tax Revenues in Certain Municipalities—H.B. 3615
by Representative Isaac—Senate Sponsor: Senator Zaffirini

The municipal hotel occupancy tax is generally used to promote tourism, limited to certain specified uses such as construction and operation of convention centers and similar facilities. Among a variety of statutorily authorized purposes for which certain cities may use the tax revenue, there is a provision to allow the tax to be used for the promotion of tourism by the enhancement and upgrading of existing sports facilities or fields owned by the city. This bill:

Requires that revenue from the municipal hotel occupancy tax collected in the City of San Marcos be used only to promote tourism and the convention and hotel industry, and limits that use to certain activities as enumerated, including the promotion of tourism by the enhancement and upgrading of existing sports facilities or fields, including facilities or fields for baseball, softball, soccer, flag football, and rodeos.

Authorizes the City of Bastrop to use revenue from the municipal hotel occupancy tax, in addition to other authorized uses, for the promotion of tourism by the enhancement and upgrading of an existing sports facility or fields, providing that certain statutory conditions are met.

Authorizes the Bell County Commissioners Court to impose a hotel occupancy tax.

Provides that the county tax rate in relation to a hotel located in a municipality that imposes a tax under Chapter 351, in a county authorized to impose such a tax, may not exceed a rate that, when added to the rate of the tax imposed by the municipality exceeds the sum of the rate prescribed by Section 351.003(a) (relating to the imposing of municipal hotel occupancy taxes), Tax Code, plus two percent.

Use of Municipal Hotel Occupancy Tax—H.B. 3629

by Representative Raney—Senate Sponsor: Senator Schwertner

The City of Bryan may use its municipal hotel occupancy tax to maintain current sporting facilities but cannot use it for the construction of new such facilities. This bill:

Authorizes the use of the municipal hotel occupancy tax for the construction of new sporting facilities. Requires an annual report from the municipality of the economic impact of any sporting facility built by the City of Bryan with hotel occupancy tax funds.

Municipal Hotel Occupancy Tax Revenue in Certain Municipalities—H.B. 3772

by Representatives Nevárez and Guillen—Senator Sponsor: Senator Uresti

Certain counties and municipalities are currently authorized to assess a municipal hotel occupancy tax for, among other uses, promoting tourism. Municipalities must seek legislative approval to utilize hotel occupancy taxes for projects that are intended to increase tourism, if the municipality is not already authorized under existing statute to construct a project such as a regional sports complex or a rodeo arena. Uses such as sports complexes and rodeo arenas help drive tourist traffic to areas that see heavy hotel traffic during the work week due to oil and gas activity, but have empty hotels on the weekends due to a lack of tourist infrastructure. This bill:

Authorizes the cities of Pecos, Dilley, and Pleasanton to use all or any portion of the revenue derived from the municipal hotel occupancy tax for constructing, enlarging, equipping, improving, maintaining, repairing, and operating an arena used for rodeos, livestock shows, and agricultural expositions to substantially enhance hotel activity and encourage tourism.

Prohibits these municipalities from using municipal hotel tax revenue to construct or expand such a facility in an amount that would exceed the amount of hotel revenue in the area that is likely to be reasonably attributable to events held at that facility during the 15-year period beginning on the date the construction or expansion is completed. Requires an independent analyst or consultant hired by the municipality to make the projection. Requires a municipality that uses municipal hotel occupancy tax revenue to annually prepare a report describing the economic impact of the municipal hotel occupancy tax.

Hotel Occupancy Tax in Certain Counties—H.B. 4037

by Representative Guillen—Senate Sponsor: Senator Lucio

H.B. 4037 amends current law relating to the rate of the hotel occupancy tax in certain counties and the use of revenue from the hotel occupancy tax by certain counties and authorizes an increase in the rate of a tax. This bill:

Adds Subsection (n) to Section 352.002, Tax Code, to authorize Bell County to impose a county hotel occupancy tax.

Adds Subsection (p) to Section 352.003, Tax Code, to provide that, in Bell County, the county tax rate in relation to a hotel located in a municipality that imposes a municipal hotel occupancy tax may not exceed a rate that, when added to the rate of the tax imposed by the municipality, exceeds the sum of the rate prescribed by Section 351.003(a) plus two percent.

Amends Section 352.003, Tax Code, to authorize Willacy and Kenedy counties to impose a hotel occupancy tax not to exceed 9 percent of the price paid for a hotel room.

Provides that the revenue from the tax imposed under Chapter 352 (County Hotel Occupancy Taxes), in addition to other uses authorized by law, may be used to acquire a site for and construct, improve, enlarge, equip, repair, operate, and maintain a visitor information center, and encourage, promote, and improve historical preservation and restoration efforts.

Amends Section 352.1033(a), Tax Code, to provide that any county that borders the Gulf of Mexico may also use hotel tax revenue to acquire a site for and construct, improve, enlarge, equip, repair, operate, and maintain a visitor information center, and encourage, promote, and improve historical preservation and restoration efforts.

Removes a requirement that a county bordering the Gulf of Mexico with a population of 50,000 or less must have at least one state park along with at least one national wildlife refuge.

Annexation and Extraterritorial Jurisdiction of Certain Municipalities—H.B. 4059

by Representative Oliveira—Senate Sponsor: Senator Lucio

H.B. 4059 amends the Local Government Code to address a municipal dispute in Cameron County related to the extraterritorial jurisdiction of the cities of Brownsville and Laguna Vista. This bill:

Prohibits the extraterritorial jurisdiction of a municipality from being reduced unless the governing body of the municipality gives its written consent by ordinance or resolution, except as necessary to comply with Section 42.0235 (Limitation on Extraterritorial Jurisdiction of Certain Municipalities), Local Government Code.

Provides that the extraterritorial jurisdiction of a municipality with a population of more than 175,000 located in a county that contains an international border and borders the Gulf of Mexico terminates two miles from the extraterritorial jurisdiction of a neighboring municipality if extension of the extraterritorial jurisdiction beyond that limit, notwithstanding Section 42.021 (Extent of Extraterritorial Jurisdiction), Local Government Code, would completely surround the corporate boundaries or extraterritorial jurisdiction of the neighboring municipality and limit the growth of the neighboring municipality by precluding the expansion of the neighboring municipality's extraterritorial jurisdiction.

Requires a municipality to release extraterritorial jurisdiction as necessary to comply with certain provisions of the bill.

Provides that, notwithstanding any other law, a municipality that owns an electric system and that releases extraterritorial jurisdiction under certain provisions of the bill may provide electric service in the released area to the same extent that the service would have been provided if the municipality had annexed the area.

Prohibits a municipality with a population of more than 175,000 in a county that contains an international border and borders the Gulf of Mexico from annexing an area that would cause another municipality to be entirely surrounded by the corporate limits or extraterritorial jurisdiction of the annexing municipality.

Regulation of Rental or Leasing of Housing Accommodations—S.B. 267
by Senator Perry et al.—House Sponsor: Representative Huberty et al.

Recently, a Texas city passed an ordinance to create a protected class based on "source of income," which in effect requires rental property owners to participate in the federal Housing Choice Voucher Program, commonly known as Section 8. The Section 8 program is funded by the United States Department of Housing and Urban Development (HUD). In Texas, the program is administered by the Texas Department of Housing and Community Affairs.

The Section 8 program is essential to ensuring that very low income individuals and families can get housing. Many rental property owners who are used to dealing with the intricacies of the Section 8 program and the housing authorities that administer the program are able to work with it successfully and do not experience problems. Other rental property owners choose not to participate in the program because they do not want to comply with the regulations and requirements that participating in Section 8 entails. Once a property owner participates in the Section 8 program, HUD has the discretion to withhold rent, inspect apartments, control rent increases, and mandate utility allowances.

Section 214.903 (Fair Housing Ordinances), Local Government Code, which was passed in 1991, has been interpreted to prohibit cities from passing ordinances expanding fair housing protected classes. However, the law is not explicitly clear, so legislation is necessary to bring clarity on this issue. This bill:

Prohibits a municipality or county from adopting or enforcing an ordinance that prohibits an individual from refusing to lease or rent a housing accommodation to a person due to a person's source of income to pay rent, including funding from a federal housing assistance program, with certain exceptions.

Supplemental Environmental Projects by Local Governments—S.B. 394
by Senator Perry—House Sponsor: Representatives Phil King and Springer

Many local communities are receiving substantial penalties for first-time citations from the Texas Commission on Environmental Quality (TCEQ). These communities argue that it is unfair to penalize a community for an infraction that the community may not be aware exists. This bill:

Amends the Water Code to require TCEQ to approve a supplemental environmental project that is necessary to bring a local government that is a respondent in an enforcement action into compliance with environmental laws or that is necessary to remediate environmental harm caused by the local government's alleged violation if the local government has not previously committed a violation at the same site with the

same underlying cause in the preceding five years, as documented in a TCEQ order, and did not agree, before the date that TCEQ initiated the enforcement action, to perform the project.

Bidder's Principal Place of Business for County Contracts—S.B. 408 [VETOED]
by Senators Rodríguez and West—House Sponsor: Representative Blanco

Under state law, counties have a cap of three percent for contracts for real and personal property as provided by Section 271.905 (Consideration of Location of Bidder's Principal Place of Business), Local Government Code. Municipalities are allowed a higher cap under Section 271.0951 (Consideration of Location of Bidder's Principal Place of Business in Certain Municipalities), Local Government Code. This bill:

Provides that Section 271.9051 applies only to a municipality or county that is authorized under this title to purchase real property or personal property that is not affixed to real property.

Authorizes the municipality or county to enter into a contract for construction services in an amount of less than $100,000 or a contract for other purchases in an amount of less than $500,000 in purchasing any real property, personal property that is not affixed to real property, or services, if a municipality or county receives one or more competitive sealed bids from a bidder whose principal place of business is in the municipality or county and whose bid is within five percent of the lowest bid price received by the municipality or county from a bidder who is not a resident of the municipality or county with the lowest bidder or the bidder whose principal place of business is in the municipality or county if the governing body of the municipality or county determines, in writing, that the local bidder offers the municipality or county the best combination of contract price and additional economic development opportunities for the municipality or county created by the contract award, including the employment of residents of the municipality or county and increased tax revenues to the municipality or county.

Provides that Section 271.9051 does not prohibit a municipality or county from rejecting all bids.

Additional Fee for Filing Civil Cases in Certain Dallas Courts—S.B. 432
by Senator West—House Sponsor: Representative Villalba

H.B. 3586, enacted by the 77th Legislature, Regular Session, 2001, authorizes an additional filing fee on all cases filed in Dallas County civil courts, including family district courts, probate courts, county courts at law, and justice courts, while excluding small claims courts. Dallas County began collecting this fee and used the funding to build and renovate the George Allen Courthouse. Currently, extensive and necessary repairs on still needed for district court and records facilities. Section 51.705(h), Government Code, states that a fee established under this section is abolished on the date the resolution adopted by the commissioners court is rescinded or July 1, 2016, whichever is earlier. This bill:

Extends the date to July 1, 2030.

Powers and Duties of County Treasurer—S.B. 435

by Senators Lucio and Hinojosa—House Sponsor: Representative Coleman

While an oath may be administered by a wide variety of authorized individuals in Texas, county treasurers lack the authority to swear in deputies and are forced to rely on external authorities to administer oaths, which can cause delays. Interested parties assert that the requirements relating to an introductory course that a county treasurer is required to complete need to be changed to provide more flexibility for these officials. This bill:

Provides that an oath made in this state may be administered and a certificate of the fact given by a county treasurer.

Requires a county treasurer to successfully complete an introductory course of instruction in the performance of the duties of county treasurer within one year after the date on which the person is first elected, rather than takes office, if elected to a full term, or at the earliest available date after appointment or election, as applicable, if appointed by the commissioners court or elected to an unexpired term.

Requires the county treasurer to determine the manner in which electronic payments for services provided may be made.

Liability for Claims Relating to Foreclosed Property—S.B. 450

by Senator Schwertner—House Sponsor: Representative Sheets

Political subdivisions, when collecting delinquent ad valorem taxes, may foreclose a tax lien that secures payment of ad valorem taxes due on vacant or abandoned property. These vacant or abandoned properties are often in substantial disrepair, do not meet building codes, and constitute a public nuisance. In most cases, the only practical course of action available to a political subdivision to collect the delinquent taxes and abate a threat to public health and safety is to take title to the real property by foreclosing the ad valorem tax lien on the property. Political subdivisions usually attempt a resale of the property. Through resale, the political subdivisions collect at least a portion of the delinquent taxes. The new owner can repair the property, making the property an asset to the community and returning it to taxpaying status.

Currently, political subdivisions are hesitant to take title to vacant or abandoned property due to potential tort liability under Chapter 101 (Tort Claims), Civil Practice and Remedies Code, that may arise while the political subdivision is in the process of reselling the property. However, Section 101.064 (Land Acquired Under Foreclosure of Lien), Civil Practice and Remedies Code, provides an exemption from liability for a municipality that acquires land at a sale following the foreclosure of a lien held by the municipality. This exemption is limited to claims between the date the municipality acquires the land and the date the land is sold, conveyed, or exchanged arising from the condition of the land, a premises defect on the land, or an action committed by a person, other than an agent or employee of the municipality, on the land. This bill:

Changes the title of Section 101.064 to read "Land Acquired Under Foreclosure of Lien or by Conveyance in Satisfaction of Certain Tax Debt."

Changes references to "municipality" in Section 101.064 to "political subdivision."

Clarifies that Chapter 101 does not apply to claims resulting from the foreclosure of a lien held by the political subdivision, including land that was bid off to the political subdivision under certain provisions of the Tax Code.

Realignment Financial Assistance to Local Governmental Entities—S.B. 503
by Senators Perry and Watson—House Sponsor: Representative Eddie Rodriguez

Certain assistance programs in Texas help local governmental entities and defense communities address the effects of military base realignments and closures. Funds from the Texas military value revolving loan fund and grants from the defense economic adjustment assistance grant program are used in these efforts. Interested parties note that this type of assistance has been shown to expand new development opportunities, and the parties assert that many defense communities across Texas have already seen success because of this assistance. S.B. 503 seeks to assist more local governmental entities and defense communities affected by such realignments and closures. This bill:

Authorizes the Texas Economic Development and Tourism Office (TEDTO) to provide a loan of financial assistance to a defense community for an economic development project that minimizes the negative effects of a base reduction on a defense community as a result of a U.S. Department of Defense base realignment process that occurs during 1995 or later, rather than 2005 or later.

Authorizes TEDTO to provide a loan of financial assistance to a defense community for an infrastructure project to accommodate new or expanded military missions assigned to a military base or defense facility located in, near, or adjacent to the defense community as a result of a base realignment process that occurs during 1995 or later, rather than 2005 or later.

Provides that the Act includes the construction of infrastructure and other projects necessary to prevent the reduction or closing of a defense facility among the purposes for which a grant may be awarded by the Texas Military Preparedness Commission to certain eligible local governmental entities that may be affected by an anticipated, planned, announced, or implemented action of the United States Department of Defense to realign defense worker jobs or facilities.

Raises from $2 million to $5 million an alternative cap amount for the grant, and includes a defense base development authority among the entities authorized to use the proceeds from such a grant to purchase or lease equipment to train defense workers whose jobs have been threatened or lost as a result of such an anticipated, planned, announced, or implemented action and adds the training of workers to support military installations or defense facilities to the authorized uses of proceeds from such grants.

Presumption of Abandonment of Certain Tangible Personal Property—S.B. 569
by Senator Creighton—House Sponsor: Representative Elkins

Under current law (Section 72.101 (Personal Property Presumed Abandoned), Property Code), counties are required to hold presumed abandoned property for three years. Requiring counties to retain abandoned personal items for three years places an undue burden and cost on the counties. While the number of unclaimed items is not extreme, having to store bicycles, books, articles of clothing, or any other unclaimed

items not only takes up valuable space, but after three years, many of the items become obsolete or worthless. This bill:

Provides that, with certain exceptions, personal property is presumed abandoned if, for longer than three years the existence and location of the owner of the property is unknown to the holder of the property and, according to the knowledge and records of the holder of the property, a claim to the property has not been asserted or an act of ownership of the property has not been exercised.

Provides that tangible personal property that is found on county land or in a county park, facility, or right-of-way is presumed abandoned if, for longer than 120 days, the personal property is held by the county, the existence and location of the owner of the personal property is unknown to the county, and according to the knowledge and records of the county, a claim to the personal property has not been asserted or an act of ownership of the personal property has not been exercised.

Correction Instruments in County Index to Real Property Records—S.B. 584
by Senator Uresti—House Sponsor: Representative Simmons

In the 82nd Legislature, Regular Session, 2011, S.B. 1496 was signed into law, allowing the use of "correction instruments" to correct errors in county documents relating to the transfer of real property. In general, correction instruments are the method for correcting errors in deeds and similar documents.

When documents are filed relating to the transfer of real property, county clerks index the filings for easy retrieval. Since the establishment of the statutory "correction instrument," some counties have interpreted the law to mean that correction instruments are not to be indexed under the names of the parties of the original transaction, but under the name of the person filing the instrument. Because this person may not be a party to the original transaction, the correction instrument may be difficult to find in the chain of title and thus difficult to locate in the future. This bill:

Requires the county clerk to maintain an alphabetical record of correction instruments.

Requires that the index entry for a correction instrument contain the names of the grantors and grantees as stated in the correction instrument.

Defines "correction instrument."

Municipal Court Jurisdiction in Contiguous Municipalities—S.B. 631
by Senator Campbell—House Sponsor: Representative Larson

Under current law, a municipality with a population of 1.9 million or more has the option of agreeing with a contiguous municipality to extend the geographical jurisdiction of their municipal courts to include fine-only offenses occurring on their city boundaries or up to 200 yards from their boundaries. Currently, only the City of Houston and its surrounding communities come under this provision. This bill:

Reduces the statutory population bracket from 1.9 million to 1.19 million.

Transfer of Property From TxDOT to Shepherd ISD—S.B. 638

by Senator Nichols—House Sponsor: Representative Otto

According to San Jacinto County public records, 12.0568 acres of a certain property is currently owned by the State of Texas, which the Texas Department of Transportation (TxDOT) purchased in 1951. The property is currently not being utilized by TxDOT and TxDOT does not currently have any plans for future usage. The Shepherd Independent School District (Shepherd ISD) would like to use this property. This bill:

Requires TxDOT to transfer to Shepherd ISD the real property described herein.

Authorizes Shepherd ISD to use the property so transferred only for a purpose that benefits the public interest of the state. Requires Shepherd ISD to pay TxDOT an amount equal to the fair market value of the property if Shepherd ISD uses the property for any purpose other than a purpose that benefits the public interest of the state on the date Shepherd ISD begins using the property for such a purpose, less the amount that Shepherd ISD paid to TxDOT for the property.

Requires Shepherd ISD to pay an amount to reimburse TxDOT for the department's actual costs to acquire the property on the effective date of the transfer. Requires that the amount, if TxDOT cannot determine that amount, be determined based on the average historical property acquisition values for property located in proximity to the property to be transferred on the date of original acquisition of the property by TxDOT. Requires that money so received by TxDOT be deposited in the state highway fund and used in the TxDOT district in which the property is located.

Requires TxDOT to transfer the property by an appropriate instrument of transfer. Sets forth the criteria required for the instrument of transfer.

Requires TxDOT to retain custody of the instrument of transfer after the instrument of transfer is filed in the real property records of San Jacinto County.

Sets forth the boundaries of the real property to be transferred from TxDOT to Shepherd ISD.

Requires Shepherd ISD to pay any transaction fees resulting from the transfer of property under this bill.

Public Meetings of Joint Airport Boards—S.B. 679

by Senator Nelson—House Sponsor: Representative Burkett

Under current law, municipal governmental bodies are authorized to post their meeting notices electronically. Although most airports in Texas are owned and operated by municipalities, there are instances where two or more governmental entities have created a joint airport board, consisting of members appointed by the governing authority of each participating entity. A joint airport board exercises all the powers of the member entities on their behalf with respect to an airport, air navigation facility, or airport hazard area acting jointly, but does not fall under the applicability of the law regarding electronic posting of meeting notices. Legislation is needed to make state law relating to the electronic posting of meeting notices applicable to such an entity. This bill:

Redefines "governmental body" for purposes of the state's open meetings law to include a joint airport board.

Requires a joint airport board to post notice of each meeting of the board on a physical or electronic bulletin board at a place convenient to the public in the board's administrative offices and concurrently on the board's website.

Authority of Political Subdivisions to Change the General Election Date—S.B. 733

by Senator Fraser—House Sponsor: Representative Workman

Many political subdivisions that hold their elections on the May uniform election date would like the opportunity to move their elections from the May uniform election date to the November uniform election date with the adoption of a resolution by the political subdivision. Section 41.0052 (Changing General Election Date), Election Code, currently provides that the governing body of a political subdivision, other than a county, that holds its general election for officers on a date other than the November uniform election date may, not later than December 31, 2012, change the date on which it holds its general election for officers to the November uniform election date. This bill:

Changes the statutory deadline from December 31, 2012, to December 31, 2016.

Excludes municipal utility districts from the political subdivisions that are granted this authority.

Sewer Service Provisions Within Municipal Boundaries—S.B. 789

by Senator Eltife—House Sponsor: Representatives Geren and Schaefer

The City of Tyler has annexed areas for which sewer service is provided by a lone certificated provider, which has resulted in the residents of the area paying taxes to the city but having no choice in regards to purchasing sewer service from the city. The city is willing to provide the services but unable to obtain dual certification to serve the area within the city. This bill:

Amends the Water Code to authorize certain municipalities to provide sewer service to an area entirely within the municipality's boundaries without first having to obtain from the Texas Commission on Environmental Quality (TCEQ) a certificate of public convenience and necessity that includes the area to be served, regardless of whether the area to be served is certificated to another retail public utility.

Limits the applicability of its provisions to a municipality with a population of more than 95,000, that owns and operates a utility that provides sewer service, that has an area within the boundaries of the municipality that is certificated to another retail public utility that provides sewer service, and that is located in a county that borders Lake Palestine and has a population of more than 200,000.

Requires the municipality, not less than 30 days before beginning to provide sewer service to an area certificated to another retail public utility, to provide notice to the retail public utility and TCEQ of its intention to provide service to the area.

Authorizes a retail public utility, on receipt of the notice, to petition TCEQ to decertify its certificate for the area to be served by the municipality or to discontinue service to the area to be served by the municipality, provided there is no interruption of service to any customer.

Establishes that its provisions may not be construed to limit the right of a retail public utility to provide service in an area certificated to the retail public utility and do not expand a municipality's power of eminent domain.

Requires TCEQ, as soon as practicable after the bill's effective date, to adopt rules and establish procedures relating to the notice required by the bill's provisions.

Regulation of Amusement Redemption Machine Game Rooms—S.B. 866
by Senator Larry Taylor—House Sponsor: Representative Greg Bonnen et al.

Unregulated game rooms can often be mediums for illegal activity and lead to decreased public safety. In addition, some game room operators have reportedly set up redemption machines to give cash prizes, violating the law. In an effort to monitor and control this kind of activity, some counties have pursued the authority to regulate game rooms. Last session, Harris County was granted this ability. As a result, some illegal game rooms in Harris County have relocated operations in adjacent counties, including Galveston County. This bill:

Defines "game room."

Expands the application of Subchapter E (Game Rooms), Chapter 234 (County Regulation of Businesses and Occupations), Local Government Code, applies only to:

- a county that has a population of less than 25,000, is adjacent to the Gulf of Mexico, and is within 50 miles of an international border;
- a county that has a population of four million or more; and
- a county that is adjacent to the Gulf of Mexico and to a county that has a population of four million or more; and
- a county located on the Texas-Mexico border that has a population of less than 300,000 and contains a municipality with a population of 200,000 or more.

Authorizes a peace officer or county employee to inspect a business in the county to determine the number of amusement redemption machines or machines described by provisions of the bill subject to regulation under Subchapter E that are located on the premises of the business.

Authorizes a peace officer or county employee to inspect any business in which six or more amusement redemption machines or machines described by provisions of the bill are located to determine whether the business is in compliance.

Compensation of County Auditors for Certain Counties—S.B. 871
by Senator Zaffirini—House Sponsor: Representative Cyrier

Current law generally restricts compensation of a county auditor from exceeding the total compensation of the highest paid elected county officer, other than a judge of a statutory county court, whose salary and allowances are set by the commissioners court. Several exceptions to this general rule for certain counties, however, are authorized in statute.

Caldwell County officials have expressed concern regarding the statutory restriction on the compensation of county auditor, stating that it will impede the ability of the county to attract a qualified certified public accountant with superior auditing skills. They have recommended that the law be amended to authorize the county commissioners court to set the compensation and allowances of the auditor in an amount that exceeds this restriction, if approved by the county commissioners court. This bill:

Provides that Section 152.032(d) (relating to amount of compensation for county auditors), Local Government Code, applies only to a county that borders a county with a population of more than one million and has a population of more than 36,000 and less than 40,000, rather than a county that borders a county subject to Section 152.032(b) (relating to the requirements which make Section 152.032(b) applicable) and that has a population of more than 108,000 and less than 110,000.

County Courts at Law in Bexar County—S.B. 909

by Senator Zaffirini—House Sponsor: Representative Justin Rodriguez

S.B. 909 is a local bill that makes technical amendments to the enabling legislation for the Bexar County courts at law, clarifying or updating unclear or superseded language. For example, the enabling statute for the Bexar County judiciary specifies that County Court at Law No. 13 specializes in family violence actions, but there are now two such courts in Bexar County. Current law also contains detailed language governing the salary for judges of the county courts at law, which conflicts with a later-enacted provision that applies generally to all judges in this state; enumerates courts whose judges are not subject to bond requirements; and contains various outdated references. This bill:

Provides that any of the county courts at law in Bexar County may hear criminal cases and appeals de novo from the municipal and justice courts, rather than specific courts.

Requires County Court at Law No. 7 to give preference to family violence actions.

Provides that a judge of a county court at law in Bexar County must be paid pursuant to Section 25.0005 (Judge's Salary), Government Code, rather than a specified annual salary.

Provides that Section 25.0006 (Bond; Removal) does not apply to a county court at law or statutory probate court in Bexar County. Strikes references to specific courts and subsections.

Repeals provisions of Section 25.017 (Bexar County Court at Law Provisions):

- requiring certain specified county courts at law to give preference to civil cases, criminal cases, or appeals de novo; and
- providing that a bond is not required of the judges of certain specified county courts at law.

Certain Permits for Oversize or Overweight Vehicles—S.B. 1059

by Senator Hinojosa—House Sponsor: Representative Herrero

Currently, the Port of Corpus Christi may issue permits for the movement of oversize or overweight cargo on any road it owns and maintains in Nueces County or San Patricio County. S.B. 1571 (Hinojosa; SP:

Herrero) (relating to the issuance of certain permits for overweight vehicles), 81st Legislature, Regular Session, 2009, authorized the port to enter into agreement with the Texas Department of Transportation for issuance of oversize or overweight permits only on a state highway special freight corridor in San Patricio County. New industries at the Port of Corpus Christi have increased the need to transport cargo and regulate trucks moving through the port's inner harbor and the Joe Fulton International Trade Corridor in Nueces County, across Nueces Bay, to port facilities in San Patricio County. This bill:

Provides that Subchapter P (Port of Corpus Christi Authority Special Freight Corridor Permits), Chapter 623, Transportation Code, provides an optional procedure for the issuance of a permit by the Port of Corpus Christi Authority (port authority) for the movement of oversize or overweight vehicles carrying cargo on certain roads located in San Patricio and Nueces counties.

Authorizes the Texas Transportation Commission (TTC) to authorize the port authority to issue permits for the movement of oversize or overweight vehicles carrying cargo in San Patricio and Nueces counties on certain roads or another route designated by TTC in consultation with the port authority.

Requires that a permit issued under Subchapter P, Chapter 623, Transportation Code, include a statement that the cargo may be transported in San Patricio and Nueces Counties only over the roads described by or designated under Section 623.303 (Issuance of Permits), Transportation Code.

Regulation of Game Rooms in Certain Counties—S.B. 1210

by Senator Kolkhorst—House Sponsor: Representative Rick Miller

This state has seen game rooms become a vehicle for illegal activity, such as gambling, which has led to decreased public safety because many of these game rooms are unregulated. Interested parties claim that some operators of these game rooms have set up redemption machines to give cash prizes, which is illegal in Texas. H.B. 2123 and H.B. 1127, 83rd Legislature, Regular Session, 2013, were passed to address the claim that some amusement redemption machine operators were setting up their machines to provide cash prizes illegally. These operators have circumvented undercover investigations, which is generally the method used to shut down illegal operations of such activities, by restricting access to these machines only to members or known referrals. This bill:

Expands the application of Subchapter E (Game Rooms), Chapter 234 (County Regulation of Businesses and Occupations), Local Government Code, as added by Chapter 1284 (H.B. 2123), Acts of the 83rd Legislature, Regular Session, 2013, to include a county that has a population of four million or more and a county that has a population of 550,000 or more and is adjacent to a county that has a population of four million or more.

Repeals Subchapter E (Game Rooms), Chapter 234 (County Regulation of Business and Occupations), Local Government Code, as added by Chapter 1377 (H.B. 1127), Acts of the 83rd Legislature, Regular Session, 2013.

Internet Broadcasts of Certain Metropolitan Planning Organizations—S.B. 1237

by Senators Van Taylor and Huffines—House Sponsor: Representative Sanford

Metropolitan planning organizations (MPOs) are federally mandated and funded transportation planning boards designated for each urbanized area with a population of more than 50,000. Despite the extensive influence that transportation improvement programs (TIPs) and long-range transportation plans (LRTPs) have over their respective boundaries, there is no requirement that video of MPO policy meetings, where these programs and plans are established, be made electronically available. S.B. 1237 requires MPOs to broadcast policy board meetings over the Internet, and requires that MPOs make archived video recordings of policy board meetings available through their Internet websites. This bill:

Requires an MPO, under Section 472.036 (Internet Broadcast and Archive of Open Meetings), Transportation Code, that serves one or more counties with a population of 350,000 or more to broadcast over the Internet live video and audio of each open meeting held by the policy board. Requires the organization to subsequently make available through the organization's Internet website archived video and audio for each meeting for which live video and audio was provided.

Authority to Participate in a Cooperative Purchasing Program—S.B. 1281
by Senator Zaffirini—House Sponsor: Representative Coleman

In 1995, the 74th Legislature created the Local Government Cooperative Purchasing Program to allow local governments to organize to increase efficiencies and purchasing power and thereby access favorable contracts with vendors for the purchase of materials, supplies, services, or equipment. The efficiencies in this process include foregoing traditional competitive bidding processes because the cooperative purchasing power is already able to leverage best prices with its purchasing power.

The statute defines "local government" as a political subdivision of the state, which is interpreted to restrict participation in the program to Texas local government participants and cooperative organizations only. There may be instances, however, in which a local government or local government cooperative organization in another state could secure a better price for a contract for goods or services, especially if that good or service is better produced or performed in another state. This bill:

Authorizes a local government to participate in a cooperative purchasing program with another local government of this state or another state or with a local cooperative organization of this state or another state.

Creation and Operation of Health Care Provider Participation Programs—S.B. 1387
by Senator Creighton—House Sponsor: Representative Deshotel

In 2011, Texas pursued a Health Care Healthcare Transformation and Quality Improvement Program (1115 waiver) at the direction of the Texas Legislature. The 1115 waiver empowers local communities to transform the delivery of health care by establishing local projects tailored to meet communities' unique health care needs. However, the waiver requires local government funds to support waiver payments. As such, communities without hospital districts are disadvantaged because they lack a mechanism to generate funds for intergovernmental transfers to draw down federal dollars.

City of Beaumont hospitals provide a tremendous amount of uncompensated care, but the region does not have a hospital district. A local provider participation fund (LPPF) in Beaumont would allow local providers

to access more funds under the waiver and would help ensure access to care and reduce the level of uncompensated care in this community. LPPFs provide the residents of disadvantaged cities and counties the opportunity to solve local problems via a local solution, without burdening local taxpayers or requiring state general revenue. This bill:

Is bracketed to the City of Beaumont.

Provides that a municipal health care provider participation program (program) authorizes a municipality to collect a mandatory payment from each institutional health care provider located in the municipality to be deposited in a local provider participation fund established by the municipality. Authorizes money in the fund to be used by the municipality to fund certain intergovernmental transfers and indigent care programs.

Authorizes the governing body of a municipality to adopt an ordinance authorizing a municipality to participate in the program. Sets forth powers and duties of the governing body, establishes general financial provisions, and authorizes the governing body to collect mandatory payments based on paying hospital net patient revenue. Sets forth rules and provides that penalties may be assessed.

Matching Grant Program for Community Development—S.B. 1408 [VETOED]

by Senators Lucio and Zaffirini—House Sponsor: Representative Tracy O. King

Although the Texas Department of Agriculture (TDA) administers federal nonentitlement funds for community development, such funds have decreased, leaving many local governments in nonentitlement areas without adequate resources to meet community needs. This bill:

Amends the Agriculture Code to require TDA, subject to the availability of federal and state funds, to create a community development matching grant program to foster community and economic development in certain municipalities and counties. Requires TDA to award matching grants under the program to assist in the financing of certain trade-related initiatives and programs and certain community development, capacity-building, renewable energy, restoration, economic development, environmental, and other projects as determined by TDA with assistance of the Texas Rural Health and Economic Development Advisory Council.

Makes a municipality or county eligible for a matching grant under the program if the municipality or county is a nonentitlement area under the federal community development block grant nonentitlement program and is in good standing with TDA and with the U.S. Department of Housing and Urban Development. Authorizes eligible municipalities or counties to submit a single jurisdiction application or a multi-jurisdiction application for a matching grant under the program for a community development project and requires an application to include a description of the proposed project.

Requires TDA, in awarding a matching grant under the program, to give preference to an application submitted by two or more eligible municipalities or counties if the application shows that the proposed community development project will mutually benefit the residents of the communities applying for the funds. Prohibits a multi-jurisdiction application solely for administrative convenience from being accepted by TDA and prohibits a municipality or county that has submitted a multi-jurisdiction application from submitting a single-jurisdiction application for a matching grant for the same project for which the multi-jurisdiction application was submitted. Requires one of the municipalities or counties participating under a

multi-jurisdiction application to be primarily accountable to TDA for financial compliance and performance requirements under the program if a matching grant is awarded. Requires all municipalities and counties applying under a multi-jurisdiction application to meet application threshold requirements.

Requirements for Junkyard or Automotive Wrecking and Salvage Yard—S.B. 1436
by Senator Zaffirini—House Sponsor: Representative Raymond

The purpose of this legislation is to increase the setback from a residence for an automotive wrecking and salvage yard by requiring that the distance be measured from the platted residential property line rather than the residential structure.

Automotive wrecking and salvage yards can be havens for pests and vermin and therefore can pose a threat to health and safety in adjacent residential areas. Section 396.022, Transportation Code, provides that a junkyard or automotive wrecking and salvage yard may not be within 50 feet of "a public street, state highway, or residence." This bill:

Prohibits a junkyard or an automotive wrecking and salvage yard from being located within 50 feet of the right-of-way of a public street or state highway or within 50 feet of the nearest property line of a residence.

Communications Regarding Appraisal Review Board Members—S.B. 1468
by Senator Watson—House Sponsor: Representative Howard

County administrative district judges appoint the members of appraisal review boards in certain counties. Certain communications with the judge regarding the appointment of board members are prohibited. This prohibition, however well-intentioned, prevents the judge from being informed about the alleged bad behavior of appraisal review board members. This bill:

Provides that the prohibition against communications to the local administrative district judge regarding the appointment of appraisal review board members does not apply to a communication between a chief appraiser, and employee or agent of the appraisal district, a member of the appraisal board, or a member of the appraisal district board of directors and the local administrative judge regarding information related to certain administrative duties or to the removal of a member of a the appraisal review board.

Provides that the prohibition against communications to the local administrative district judge regarding the appointment of appraisal review board members does not apply to a communication between a property tax consultant, a property owner, or an agent of the property owner and the appraisal district's taxpayer liaison officer regarding information relating to the removal of a member of the appraisal review board.

Requires the appraisal district taxpayer liaison officer to report the contents of the communication to the local administrative judge.

Creation and Operation of Health Care Provider Participation Programs—S.B. 1587
by Senator Eltife—House Sponsor: Representative VanDeaver et al.

In 2011, the State of Texas received federal approval of the Texas Health Care Transformation and Quality Improvement Program (1115 waiver) for health care funding. The 1115 waiver empowers local communities to transform the delivery of health care by tailoring local projects to meet the community's local needs. Because this system requires local governmental funds to support the program, the waiver tends to be more favorable to counties with a hospital district or other source of local funds.

In 2013, the legislature passed legislation that granted certain counties in South Texas the option to create local provider participation funds (LPPFs). A county commissioners court is authorized to administer the LPPF, made up of fees paid by local hospitals. The fund can be utilized to apply for funding for eligible health care projects under the 1115 waiver with a goal of improving health care in the community. This bill:

Provides that Chapter 292 (County Health Care Provider Participation Program in Certain Counties), Health and Safety Code, applies only to a county that is not served by a hospital district and is located in the Texas-Louisiana border region, as that region is defined by Section 2056.002 (Strategic Plans), Government Code, and has a population of more than 90,000 but less than 200,000 or has a population of less than 51,000 and is adjacent to a county with a population of more than 200,000 but less than 220,000.

Provides that a county health care provider participation program (program) authorizes a county to collect a mandatory payment from each institutional health care provider located in the county to be deposited in a local provider participation fund established by the county. Authorizes money in the fund to be used by the county to fund certain intergovernmental transfers and indigent care programs as provided by Chapter 292, Health and Safety Code.

Authorizes the commissioners court to adopt an order authorizing a county to participate in the program, subject to the limitations provided by Chapter 292, Health and Safety Code.

Sets forth the powers and duties of the commissioners court of a county, general financial provisions, and authorizes a commissioners court to collect a mandatory payment quarterly.

Regulation of the Sale of Fireworks by Certain Municipalities—S.B. 1593

by Senator Lucio et al.—House Sponsor: Representative Lucio III

A municipality may define and prohibit any nuisance within the limits of the municipality, including within 5,000 feet outside of those limits. This allows the municipality to enforce all ordinances necessary to prevent, summarily abate, and remove such nuisances. Many municipalities ban the sale or use of fireworks under this authority, and fireworks stands have accordingly sprung up outside this regulatory boundary. However, as counties and cities continue to annex properties and extend their boundaries, many fireworks purveyors are being forced to forfeit the substantial investment they have put into their businesses as they come within the one-mile radius around such municipalities. This bill:

Adds an exemption to a municipality's authority to define and prohibit any nuisance within the limits of the municipality and within 5,000 feet outside the limits.

Prohibits the municipality from defining and prohibiting as a nuisance the sale of fireworks or similar materials outside the limits of the municipality.

Certain Fees Assessed in Hidalgo and Cameron County Courts—S.B. 1964
by Senator Hinojosa—House Sponsor: "Mando" Martinez

Hidalgo County officials state that there is a need to replace the county's existing courthouse in Edinburg. When the courthouse opened in 1954, it housed two state district courts and one county court-at-law. The courthouse now contains 11 district courts and eight county courts-at-law, along with other auxiliary courts that have spilled into temporary buildings and one nearby storefront. The dated structure and history of asbestos requires constant maintenance and repairs, raising public health and safety concerns, as well as costs. This bill:

Provides for a civil filing fee of not more than $20 in the district courts, statutory probate courts, and county courts at law in Hidalgo County and Cameron County.

Requires the fees to be deposited a special account in the county treasury dedicated to the construction, renovation, or improvement of the facilities that house the courts in the county.

Requires the commissioners court of the county collecting the fee to adopt a resolution:

- authorizing a fee of not more than $20; and
- requiring the county to spend one dollar for the construction, renovation, or improvement of the court facilities for each dollar spent from the special account dedicated to that purpose.

Sets forth the procedure for adopting or rescinding a resolution regarding fees.

Provides that the fee is abolished on the earlier of the date a resolution is rescinded by the commissioners court or October 1, 2030.

Authorizes the county clerk of Hidalgo County or Cameron County to assess an additional fee not to exceed $10 for real property records filing to fund the construction, renovation, or improvement of court facilities, if authorized by the commissioners court of the county.

Rights of Religious Organizations and Individuals Relating to Marriage—S.B. 2065
by Senator Estes et al.—House Sponsor: Representative Sanford et al.

Some interested parties seek to confirm that religious organizations, clergy or ministers, or other religious institutions may not be required to participate in any part of a marriage or celebration of a marriage if it would violate a sincerely held religious belief. This bill:

Adds Subchapter G (Freedom of Religion with Respect to Recognizing or Performing Certain Marriages) to Chapter 2, Family Code:

- Provides that a religious organization, an organization supervised or controlled by or in connection with a religious organization, an individual employed by a religious organization while acting in the scope of that employment, or a clergy or minister may not be required to solemnize any marriage or provide services, accommodations, facilities, goods, or privileges for a purpose related to the solemnization, formation, or celebration of any marriage if the action would cause the organization or individual to violate a sincerely held religious belief.

- Provides that a refusal to provide services, accommodations, facilities, goods, or privileges under this Act is not the basis for a civil or criminal cause of action or any other action by this state or a political subdivision of this state to penalize or withhold benefits or privileges from any protected organization or individual.

Private Road Work by Certain Counties—S.J.R. 17

by Senators Perry and Seliger—House Sponsor: Representative Springer

An amendment to the Texas Constitution was adopted more than 25 years ago to grant rural counties with less than 5,000 citizens the flexibility to construct and maintain private roads. In small counties there are rarely private contractors available, so private roads are often poorly maintained, creating public safety hazards for citizens and emergency services. For years, counties have relied on this provision to maintain these roads and make them passable.

In the last decade, a certain rural county built a prison that subsequently caused the county to exceed the population threshold. This case highlights the need to raise the population cap under which a county is authorized to construct and maintain private roads. This resolution proposes a constitutional amendment to:

Authorize a county with a population of 7,500 or less, according to the most recent federal census, to construct and maintain private roads if it imposes a reasonable charge for the work. Provide that the Legislature may limit this authority by general law. Provide that revenue received from private road work may be used only for the construction, including right-of-way acquisition, or maintenance of public roads.

Residency Requirement of Statewide Elected Officials—S.J.R. 52

by Senator Campbell—House Sponsor: Representative Otto

The Texas Constitution of 1876 required a statewide elected official to reside in the capital of Texas. Since then, this provision has not been changed. Because of advances in transportation and technology, it is no longer necessary that a statewide elected official reside in the capital. This bill:

Strikes the provision requiring the comptroller of public accounts, the commissioner of the general land office, the attorney general, and any statutory state officer who is elected at large to reside at the state capital while in office.

Minors Applying for Hunting or Fishing License—H.B. 821

by Representative Sheets et al.—Senate Sponsor: Senator Creighton

Under current law, an application for a hunting or fishing license is currently required to provide a Social Security number for certain purposes relating to child support enforcement, regardless of the applicant's age. Because a minor 13 years of age or younger is unlikely to be an obligor subject to a child support order, it is unnecessary for such a person to provide a Social Security number when applying for a hunting or fishing license. This bill:

Amends the Family Code and the Parks and Wildlife Code to specify that an applicant for a fishing or hunting license who is 13 years of age or younger is not required to provide the applicant's social security number, the Parks and Wildlife Department is not required to request the number, and the Parks and Wildlife Commission is prohibited from adopting rules requiring such an applicant to provide the number.

Sale and Purchase of Shark Fins—H.B. 1579

by Representative Lucio III et al.—Senate Sponsor: Senator Lucio

Current law authorizes an individual to sell or purchase shark fins on the open market. The appetite for shark fins has resulted in the endangerment of many shark species. Concerned parties have noted that it is a common practice for a shark fin harvester to sever a shark's fin while the shark is still alive and release the shark back into the water, a practice that often results in the shark's death because a shark cannot properly swim without its fin. This bill:

Establishes the conditions under which a person may possess a shark fin and authorizes the Parks and Wildlife Department to issue a permit for the possession, transport, sale, or purchase of shark fins for a bona fide scientific research purpose.

Local Rabies Control Program—H.B. 1740

by Representative Senfronia Thompson—Senate Sponsor: Senator Menéndez

Rabies is endemic in the bat, skunk, and other animal populations in Texas and the virus has been transmitted to humans through several bites in recent years. Current law requires that a licensed veterinarian must complete a full examination of an animal before it can be vaccinated for rabies. This creates a financial burden for pet owners, who may decide to ignore the law requiring the rabies vaccination. H.B. 1740 exempts a veterinarian employed by a county or city with a rabies control program from the requirement that a full examination be given prior to a rabies vaccination. This bill:

Applies to a veterinarian who is employed by a county or municipality and administers or supervises the administration of rabies vaccine as part of a local rabies control program established by a county or municipality under this chapter.

Provides that a veterinarian is not required to establish a veterinarian-client-patient relationship before administering rabies vaccine or supervising the administration of rabies vaccine.

Meetings of Beef Promotion and Research Council of Texas—H.B. 1934

by Representative Kacal—Senate Sponsor: Senator Perry

H.B. 1934 amends the Agriculture Code to authorize the Beef Promotion and Research Council of Texas (BPRC) to conduct meetings by telephone conference call. This bill:

Authorizes BPRC, or a committee established by BPRC, to hold an open or closed meeting by telephone conference call if the convening at one location of a quorum of BPRC or the committee is inconvenient for any member of BPRC or the committee.

Provides that the meeting is subject to the notice requirements applicable to other meetings and requires that each part of the meeting that is required to be open to the public be audible to the public at the location specified in the notice of the meeting and that the audio be recorded and made available to the public.

Texas Agricultural Finance Authority Loan Guarantee Program—H.B. 2350

by Representatives Charles "Doc" Anderson and Guillen—Senate Sponsor: Senator Kolkhorst

The Texas Agricultural Finance Authority (TAFA) was established within the Texas Department of Agriculture (TDA) to act as a public authority. The Agricultural Loan Guarantee (ALG) program was designed to incentivize and encourage qualified lenders to extend credit to farmers, ranchers, and agri-business owners who wish to establish, improve, or enhance an agricultural operation in Texas. The TAFA agricultural loan guarantee program will become more effective if the amount of loan guarantees is brought in line with industry standards. This bill:

Prohibits the amount that may be used to guarantee loans under Section 58.052(c), Agriculture Code, from exceeding three times the amount contained in the Texas agricultural fund, rather than three-fourths of the amount contained in the Texas agricultural fund.

Equine Infectious Anemia Test—H.B. 3738

by Representative Cyrier—Senate Sponsor: Senator Kolkhorst

Current law provides certain requirements regarding the testing of equine animals for equine infectious anemia. It is likely that future federal rule changes will alter the rules that govern diagnostic laboratories that test for equine infectious anemia and potentially leave the responsibility of approving such laboratories to the states. This bill:

Amends portions of the Agriculture Code relating to individuals and laboratories that perform official equine infectious anemia tests.

Requires the Texas Animal Health Commission (TAHC) to adopt rules to require that an individual or laboratory performing such tests be approved by TAHC.

Tax Exemption for Certain Communication Services for Farm Equipment—S.B. 140

by Senator Perry—House Sponsor: Representative Craddick

The modern agriculture industry has begun to incorporate technologies that increase the safety, efficiency, and productivity of farming. Increasingly, farms utilize navigation equipment installed on equipment involved in seeding, maintaining, and harvesting crops. Such technology allows farms to reduce safety concerns such as driver error or fatigue and ensures that farm land is managed with an unprecedented degree of efficiency and precision. Although the hardware used with the GPS service is exempt from sales and use tax, the service is considered taxable. S.B. 140 aligns tax law with the changing technologies in the field of agriculture by extending the current sales and use tax exemption for agriculture equipment to Global Positioning System (GPS) services used by farmers on tractors and other farm equipment. This bill:

Amends Section 157.316(a), Tax Code, relating to the exemption of certain agricultural items from the sales and use tax.

Exempts from the sales and use tax telecommunications services used for the navigation of machinery and equipment on a farm or ranch in the building or maintaining of roads or water facilities or in the production of food for human consumption, grass, feed for animal life, or other agricultural products to be sold in the regular course of business.

Abolition of the Equine Incentive Program—S.B. 928

by Senator Lucio—House Sponsor: Representative Charles "Doc" Anderson

The Texas Equine Incentive Program was created in 2009 to encourage the development of the Texas horse industry by providing incentives for owners of Texas-bred horses to enter foals in Texas equine shows and race events. Texas stallion owners, on a voluntary basis, provided funding for the program by paying a $30 fee for each Texas mare bred. The resulting foal became eligible to enroll in the program and earn incentive awards based on the points the foal earned during the previous year at racing and showing events in Texas.

Fees have been collected since the 2009 breeding year and to date, fees for over 1,300 breedings have been paid to the Texas Department of Agriculture (TDA). Unfortunately, implementation of the Texas Equine Incentive Program was not successful and funds from this program were transferred into General Revenue before incentives were paid. Monies collected by the Texas Equine Incentive Program were never intended for General Revenue. This bill:

Abolishes the Texas Equine Incentive Program and instructs the Texas Department of Agriculture (TDA) to repay Texas horse breeders the funds that these breeders voluntarily contributed to the program.

Failure to Handle Animals in Accordance With TAHC Rules—S.B. 970

by Senator Perry—House Sponsor: Representative Kacal

It is not currently a criminal offense to improperly handle or move livestock, exotic livestock, domestic fowl, or exotic fowl when the owner has been notified that the animal is restricted because of disease exposure or disease testing. This bill:

Provides that it a Class C misdemeanor to improperly handle or move livestock, exotic livestock, domestic fowl, or exotic fowl when the owner has been notified that the animal is restricted because of disease exposure or disease testing.

Amends current law relating to the failure to handle certain animals in accordance with rules of the Texas Animal Health Commission (TAHC) and amends provisions subject to a criminal penalty.

Texas Grain Producer Indemnity Board—S.B. 1099

by Senator Estes et al.—House Sponsor: Representative Phillips

Grain producers sell to various grain buyers, including grain warehouses or elevators. Frequently, grain producers store grain at warehouse in order to sell the product at a later date; however, over the last few years, several grain warehouses have become financially insolvent. In these cases producers were unable to recoup any of their grain, and the bonds held by the warehouses as required under current law paid only a fraction of the value of the crop. This bill:

Amends the Agriculture Code to establish the grain producer indemnity fund as a trust fund outside the state treasury to be held and administered by the Texas Grain Producer Indemnity Board, without appropriation, for the payment of claims against a grain buyer who has experienced a financial failure. Requires the board to deposit commodity assessments remitted by grain buyers in the fund and requires that interest or other income from investment of the fund be deposited to the credit of the fund. Requires that an assessment be collected at the first point of sale. Requires the board, as a part of the annual budget proposal procedure, to set a minimum balance for the fund to be held in reserve to pay for administrative costs in the event that claims against the fund exceed the total balance of the fund. Requires the board to post the minimum balance on the board's website.

Authorizes the board, with the approval of the commissioner of agriculture, to borrow money as necessary to implement the board's governing provisions. Changes the amount that the board may award a grain producer for a loss of grain from an amount not more than 90 percent to an amount that is 85 percent of the value of the grain on a claim initiation date for grain that has not been sold or of the contract price of the grain for grain that has been sold. Removes a provision that restricted the board's authority to deny a grain producer's claim because of the grain producer's failure to pay assessments by specifying a grain producer's failure to pay assessments for the current growing season. Specifies that the subrogation of the board for a claim paid against a grain buyer to all rights of the grain producer against any applicable entity, in addition to the grain buyer, is to the extent of the amount paid to the grain producer by the board. Authorizes the board to purchase reinsurance policies to mitigate the board's financial risks. Defines "reinsurance" as an insurance product purchased by the board to reduce the financial risk and capital balance associated with the function of the board.

Includes the adoption of rules relating to the orderly distribution of refunds and the use of insurance and reinsurance products within the board's general rulemaking authority. Removes the requirement that approval of a referendum of grain producers to determine the maximum assessment amount be either by at least a two-thirds majority of those voting in favor of the referendum or by a favorable vote of those voters who produced at least 50 percent of the volume of production of the commodity during the relevant production period and instead requires a majority of votes cast in favor of the referendum.

Repeals provisions providing for a refund of assessments for a grain producer who files an application with the board that is accompanied by proof of payment of the assessment and an affidavit stating that the grain producer does not wish to participate in or be covered by the board's indemnification protection.

Establishes that a grain producer who has paid an assessment may be eligible for a refund from excess money in the indemnity fund.

Requires the board, as a part of the annual budget proposal procedure, to review the budget for the next year and the board's current financial status. Requires the board to determine, based on the review, whether funds are available in excess of the minimum fund balance to issue refunds to grain producers who paid an assessment. Requires the board to adopt rules regarding the procedure for determining the amount of a grain producer's refund and the timing, method, and order of refund issuance.

Requires the board by rule to establish an administrative review process to informally review and resolve claims arising from an action of the board. Requires the board to adopt rules designating which board actions are subject to review and outlining available remedial actions. Authorizes a person to appeal an administrative review decision made by the board to the commissioner and to appeal a decision of the commissioner in the manner provided for a contested case under the Administrative Procedure Act. Establishes that these provisions relating to administrative review do not waive the state's sovereign immunity.

Provides that a violation is grounds for suspension or revocation of any license or permit issued by the commissioner of agriculture.

Educational Programs Involving Aquaculture and Hydroponics—S.B. 1204

by Senator Rodríguez—House Sponsor: Representative Márquez

There is an increasing interest in aquaponics, which mix aquaculture (growing fish in a recirculating water system) with hydroponics (growing plants without soil), in Texas schools. Aquaponic systems typically include growing produce in conjunction with a fish ranch, where plants derive nutrients from water rich with fish excrement, rather than from the soil. Through this process students learn about water science, plant life, food technology, agribusiness, wildlife, and ecology management. While building these programs, schools may encounter certain state fees. According to the Texas Parks and Wildlife Department (TPWD), an exotic species permit may be necessary, depending on the type of fish at issue. Additionally, a two-year aquaculture license from the Texas Department of Agriculture (TDA) is a prerequisite for the exotic species permit. Taken together, these may cost a school more than $300. This may be burdensome for small school programs already facing aquaculture implementation costs. This bill:

Requires TPWD and TDA to waive these fees when requested by a public school that intends to operate an educational aquaponics program. Requires the school to submit an application to the agencies showing that the school's program meets these requirements.

Perfection and Priority of Lien on an Agricultural Crop—S.B. 1339
by Senators Perry and Zaffirini—House Sponsor: Representative Kacal

Farmers take a risk when they deliver crops to a warehouse or facility that, unknown to the farmer, is facing financial difficulty. In the event the warehouse in question declares bankruptcy, farmers currently have lower payment priority than the warehouse's lending bank. This bill:

Amends the Property Code to establish that an agricultural lien is perfected at the time the lien attaches and continues to be perfected if a financing statement covering the agricultural crop is filed on or before the 90th day after the date the physical possession of the crop is delivered or transferred by the agricultural producer to the contract purchaser or the purchaser's agent if there is only one delivery under the contract, or if the financing statement is filed on or before the 90th day after the date of the last delivery of the crop to the contract purchaser or the purchaser's agent if there is a series of deliveries under the contract.

Establishes that an agricultural lien for which a financing statement covering the agricultural crop is not filed within the applicable time is considered unperfected on the date the lien attached until the date the financing statement is filed or the lien is perfected under the Uniform Commercial Code—Secured Transactions. Grants a lien created and perfected under Property Code provisions governing agricultural liens priority over a conflicting security interest in or lien on the agricultural crop or the proceeds from the sale of the crop created by the contract purchaser in favor of a third party, other than a cotton ginner's lien, regardless of the date the security interest or lien created by the contract purchaser attached. Specifies that such granting of priority does not affect a security interest or lien created and perfected to secure a loan directly to the agricultural producer.

Removes the specifications in the definition of "contract purchaser" applicable to agricultural liens that such a person agreeing under a contract to purchase an agricultural crop has agreed before the planting of the crop and that such a contract be a written contract. Establishes that an agricultural lien exists on the proceeds of the sale of a crop if the contract purchaser sells all or part of the crop. Changes from the date of the last delivery of an agricultural crop to the contract purchaser or purchaser's agent to the date of the first such delivery the date on which an agricultural lien attaches if there is a series of deliveries to the contract purchaser or purchaser's agent.

Regulation of Small Honey Production Operations—S.B. 1766
by Senator Creighton—House Sponsor: Representative Metcalf

Interested parties maintain that small-scale beekeepers who own and manage their own small honey production operations in Texas should be allowed to produce and sell a certain amount of honey directly to consumers at a beekeeper's home, a farmer's market, farm stand, and other local events or fairs, with little government interference or regulation. This bill:

Amends the Health and Safety Code to establish that a small honey production operation is not a food service establishment for purposes of statutory provisions regulating food service establishments and to prohibit a local government authority, including a local health department, from regulating the production of honey or honeycomb at a small honey production operation.

Requires that the honey or honeycomb sold or distributed by a small honey production operation be labeled in accordance with statutory provisions regarding the labeling and sale of honey and requires that the label include the net weight of the honey expressed in both the avoirdupois and metric systems, the beekeeper's name and address, and a statement containing specified disclaimer language.

Defines "small honey production operation" as a beekeeper that produces less than 2,500 pounds of honey each year; sells or distributes the honey or honeycomb that the beekeeper produces either personally or with the help of the beekeeper's immediate family members; only sells or distributes directly to consumers at the beekeeper's home, a farmer's market, a farm stand, or a municipal, county, or nonprofit fair, festival, or event honey or honeycomb that is produced from a hive located in Texas and owned and managed by the beekeeper and that is pure honey, raw, and not blended with any other product or otherwise adulterated; and delivers the honey or honeycomb to the consumer at the point of sale or another location designated by the consumer.

Voluntary Contribution by Hunting License Applicants—S.B. 1978

by Senators Lucio and Zaffirini—House Sponsor: Representative Cyrier

Feeding Texas administers the Hunters for the Hungry (HFTH) program, which benefits 21 food banks, their network of 3,000 charitable agencies, and nonprofit food assistance providers outside of the network. Through the program, hunters bring their tagged, legally harvested deer to a participating meat processor and pay a nominal fee to cover basic processing costs. The program both provides a source of lean protein to needy Texans and helps landowners manage their deer populations. This bill:

Amends the Parks and Wildlife Code to authorize a person applying for a hunting license of any type under statutory general hunting license provisions to contribute $1 or more to a nonprofit organization, designated by the Texas Parks and Wildlife Commission (commission) whose purposes include the administration of a statewide program that provides hunters with a way to donate legally harvested deer to local food assistance providers.

Requires that the program include the recruitment of meat processors who, for a nominal fee to cover processing costs, process and package the venison and contact the food assistance providers to pick up the venison.

Requires the Texas Parks and Wildlife Department (TPWD) to include space on each application for a hunting license that allows a person applying for the license to indicate the amount that the person is voluntarily contributing to the nonprofit organization.

Requires TPWD, after deducting TPWD's administrative costs, to hold in trust the remainder of the amount a person contributes to the nonprofit organization and, not later than November 1 of each year, to send the money held in trust to the nonprofit organization. The bill restricts the use of money received by the nonprofit organization to the administration, operation, support, and promotion of the program.

Authorizes the commission to adopt rules to implement the bill's provisions, including rules related to processes for the selection, inspection, and periodic review of the nonprofit organization.

Constitutional Right to Hunt and Fish—S.J.R. 22

by Senator Creighton et al.—House Sponsor: Representative Ashby et al.

Hunting and fishing are activities that have been passed down from generation to generation and are engrained in Texas' heritage. However, recent lawsuits and efforts relating to the Clean Air Act and the Clean Water Act threaten these activities. This bill:

Provides that the people of Texas have the right to hunt, fish, and harvest wildlife, including by the use of traditional methods, subject to laws or regulations to conserve and manage wildlife and preserve the future of hunting and fishing.

Provides that hunting and fishing are preferred methods of managing and controlling wildlife, subject to municipal ordinances relating to the discharge of firearms and fishing.

Storage of Flammable Liquids—H.B. 239

by Representative Springer et al.—Senate Sponsor: Senator Perry

Current state and federal regulatory guidelines allow for larger aboveground storage tanks in certain municipalities than a current Health and Safety Code provision restricting an aboveground storage tank storing gasoline, diesel fuel, or kerosene at certain retail service stations in rural communities to a capacity of not more than 4,000 gallons. The industry practice generally accepts that aboveground storage tanks are environmentally safer than belowground storage tanks, as repairs and leaks are more easily identified and fixed, and for this reason, the parties contend that these rural service stations need the same flexibility for fuel storage as their counterparts in larger municipalities. This bill:

Amends the Health and Safety Code to remove the restriction on tank size from the authorization to store gasoline, diesel fuel, or kerosene in an aboveground storage tank at a retail service station located in an unincorporated area or in certain small municipalities.

Authorizes the Harris County Commissioners Court to limit the maximum volume of an aboveground storage tank in an unincorporated area of the county in accordance with the county fire code.

Saltwater Pipeline Facilities Located in the Vicinity of Public Roads—H.B. 497

by Representative Wu—Senate Sponsor: Senator Uresti

The 83rd Legislature passed legislation relating to the installation, maintenance, operation, and relocation of saltwater pipeline facilities, the consequent augmented use of which has increased safety and reduced the use of oversized trucks on county roads. By expanding the definition of "saltwater pipeline facility" contained in the Natural Resources Code to include a pipeline facility that conducts water that contains salt and other substances and is intended to be used in drilling or operating an oil and gas well, including an injection well used for enhanced recovery, H.B. 497 authorizes the installation of pipelines for non-produced water on public roads or rights-of-way. This bill:

Redefines "saltwater pipeline facility" to mean a pipeline facility that conducts water that contains salt and other substances and is intended to be used in drilling or operating a well that is used in the exploration for or production of oil or gas, including an injection well used for enhanced recovery operations, or is produced during drilling or operating an oil, gas, or other type of well.

Water Well Drillers and Pump Installers Examination and Fees—H.B. 930

by Representative Doug Miller—Senate Sponsor: Senator Perry

The Texas Department of Licensing and Regulation (TDLR) is charged with licensing water well drillers and water well pump installers in order to ensure that the drillers and installers are qualified to conduct their work in accordance with established standards that protect the integrity of the state's water supply. TDLR previously oversaw driller and pump installer apprentice programs but recently decided that additional statutory language is needed in order to continue these apprentice programs. This bill:

Amends the Occupations Code to change the fee required to be submitted to the Texas Department of Licensing and Regulation (TDLR) by an applicant for a license as a water well driller from an examination

fee to an application fee, to remove language specifying that the fee is to be paid at the time the license application is submitted, and to specify that the application is to be submitted to TDLR.

Removes the minimum specified frequency with which TDLR must offer examinations for such a license and for a license as a water well pump installer.

Requires the Texas Commission of Licensing and Regulation (TCLR) by rule to establish an apprentice driller program and an apprentice pump installer program.

Expands the methods by which a driller may deliver to specified recipients the required copy of a well log to include delivery by first class mail and electronic delivery.

Requires TCLR, not later than December 1, 2015, to adopt rules to implement the bill's provisions and prohibits the commission from requiring a person to hold a license or license specialty endorsement as an apprentice driller or apprentice pump installer before June 1, 2016.

Texas Farm and Ranch Lands Conservation Program—H.B. 1925

by Representative Geren—Senate Sponsor: Senator Kolkhorst

The Texas farm and ranch lands conservation program (program) was created by the 79th Legislature in 2005 as a tool to respond to natural resource policy priorities. The program is modeled on programs found in approximately 25 other states and provides grants to land trust and landowner partnerships to purchase voluntary conservation easements.

The program is housed at the General Land Office (GLO) and while it has never received an appropriation, it has used federal funds from the Coastal Improvement Assistance Program to execute the program, which offers limited conservation assistance to coastal regions. To date the program has spent $2,943,217 directly on conservation easements to conserve 3,263 acres of working agricultural lands and wildlife habitat.

The Texas Parks and Wildlife Department (TPWD) already has a direct role in the conservation of Texas' land, water, and open space. The intent of the legislation that created the program is in alignment with the mission of TPWD. Moving this program to TPWD makes it possible for the program to become an energized and robust program that can make a positive impact on the conservation of Texas' natural resources. TPWD has a vast field network of specialists who actively work with landowners to promote the stewardship and conservation of private land. This bill offers a solution to the alarming problem of fragmentation and loss of rural property. This bill:

Transfers provisions relating to the program from Chapter 183, Natural Resources Code, to Chapter 84, Parks and Wildlife Code.

Requires the Texas Farm and Ranch Lands Conservation Council to give priority to applications that protect agricultural lands that are susceptible to development, including subdivision and fragmentation.

Provides that the Texas Farm and Ranch Lands Conservation Council consists of 12 members. Six members must be appointed by the governor, including at least two individuals who each operate a family

farm or ranch in Texas. The council must also include the executive director of the State Soil and Water Conservation Board, rather than the commissioner of GLO; the chair of the Texas Water Development Board or the chair's designee, rather than the presiding officer of the Parks and Wildlife Commission or the presiding officer's designee; the presiding officer of the Texas Parks and Wildlife Commission (commission) or the presiding officer's designee, who must be a member of the commission; and the executive director of the Texas A&M Institute of Renewable Natural Resources.

Requires the presiding officer of the commission or the presiding officer's designee, rather than the commissioner or the commissioner's designee, to serve as the presiding officer of the council. Authorizes the presiding officer of the commission to appoint, at that person's discretion, the executive director of TPWD or another member of the commission to serve as the presiding officer of the council. Requires the presiding officer of the council to designate from among the members of the council an assistant presiding officer of the council to serve in that capacity at the will of the presiding officer of the council, rather than at the will of the commissioner. Authorizes the council to choose from its appointed members other officers as the council considers necessary.

Requires the presiding officer of the council, if the presiding officer of the council has knowledge that a potential ground for removal exists, to notify the director, rather than the commissioner, and the governor that a potential ground for removal exists.

Requires the presiding officer of the council or that person's designee, with the assistance of staff of TPWD, to provide to members of the council information regarding a member's responsibilities under applicable laws relating to standards of conduct for state officers, rather than requires the presiding officer or the presiding officer's designee, with the assistance of staff of the land office, to provide to members of the council information regarding a member's responsibilities under applicable laws relating to standards of conduct for state officers.

Requires the governor to make the appointments described by Section 84.011, Parks and Wildlife Code, as amended by this Act, not later than November 1, 2015.

Requires GLO and TPWD to enter into a memorandum of understanding relating to the transfer of the administration of the Texas farm and ranch lands conservation program (program) from GLO to TPWD not later than November 1, 2015. Requires that the memorandum of understanding include a timetable and specific steps and methods for the transfer on January 1, 2016, of all powers, duties, obligations, rights, contracts, leases, records, real or personal property, personnel, and unspent and unobligated appropriations and other funds relating to the administration of the program from GLO to TPWD.

Provides that, on January 1, 2016, the following are transferred to TPWD:

- all powers, duties, obligations, and liabilities of GLO relating to the administration of the program;
- all unobligated and unexpended funds appropriated to GLO designated for the purpose of the administration of the program;
- all equipment and property of GLO used for the administration of the program; and
- all files and other records of GLO kept by GLO regarding the program.

Authorizes GLO to agree with TPWD to transfer any property of GLO to TPWD to implement the transfer required by this Act before January 1, 2016.

Requires GLO, in the period beginning on the effective date of this Act and ending on January 1, 2016, to continue to perform functions and activities under Subchapter B (Texas Farm and Ranch Lands Conservation Program), Chapter 183, Natural Resources Code, as if that subchapter had not been transferred or redesignated.

Charitable Organizations That May Conduct Prescribed Burning—H.B. 2119

by Representative Lozano et al.—Senate Sponsor: Senator Zaffirini

Standards and requirements for volunteer burn organizations must be established for the purpose of insuring volunteers that participate in prescribed burns. This bill:

Amends the Natural Resources Code to authorize the members of a charitable organization that is organized and operated for prescribed burning purposes to conduct a prescribed burn if the member in charge of the burn has completed the approved training curriculum for a certified and insured prescribed burn manager and the organization has insurance coverage in an amount not less than the amount established by the Prescribed Burning Board (board). Requires the board, not later than November 1, 2015, to adopt rules to establish minimum insurance requirements for prescribed burning organizations.

Includes the members of a prescribed burning organization among the persons authorized to conduct a burn in a county in which a state of emergency or state of disaster has been declared. Requires the minimum standards established by the board for prescribed burning to require such a burn to be conducted by the members of a prescribed burning organization as an alternative to at least one certified and insured prescribed burn manager being present on site during the conduct of the burn and to include minimum insurance requirements for prescribed burning organizations. Applies the limitation on liability of an owner, lessee, or occupant of agricultural or conservation land for property damage or for injury or death to persons caused by or resulting from prescribed burning conducted on the land owned by, leased by, or occupied by the person to a prescribed burn conducted by the members of a prescribed burning organization. Specifies that the limitation on liability applies to a burn conducted under the supervision of a certified and insured prescribed burn manager who has such liability insurance coverage. Adds as a condition under which the limitation of liability applies that the burn is conducted by the members of a prescribed burning organization that has insurance coverage in an amount not less than the amount established by the board.

Amends the Civil Practice and Remedies Code to include in the definition of "charitable organization" applicable to the Charitable Immunity and Liability Act of 1987 certain organizations exempt from federal income tax under the federal Internal Revenue Act of 1986 that are organizations or corporations organized and operated exclusively for wildfire mitigation, range management, or prescribed burning purposes.

Amends the Local Government Code to include among the outdoor burning activities exempt from statutory provisions regarding county regulation of outdoor burning activities that are conducted by the members of a prescribed burning organization under specified conditions and that meet prescribed burning standards.

Foreclosure of Property Subject to an Oil or Gas Lease—H.B. 2207
by Representative Keffer et al.—Senate Sponsor: Senator Eltife

While the mineral estate is generally dominant in state law, in certain instances where the surface estate is severed from the mineral estate a foreclosure on a surface property can cause surface estate interests to subjugate the mineral estate. In these instances the lien holder of the surface estate can act to terminate a legal oil and natural gas lease for the mineral estate. H.B. 2207 addresses the subjugation of the mineral estate to the surface estate in the event of foreclosure on the surface estate. This bill:

Provides that, notwithstanding any other law, an oil or gas lease covering real property subject to a security instrument that has been foreclosed remains in effect after the foreclosure sale if the oil or gas lease has not terminated or expired on its own terms and was executed and recorded in the real property records of the county before the foreclosure sale.

Provides that an interest of the mortgagor or the mortgagor's assigns in the oil or gas lease, including a right to receive royalties or other payments that become due and payable after the date of the foreclosure, passes to the purchaser of the foreclosed property to the extent that the security instrument under which the real property was foreclosed had priority over the interest in the oil or gas lease of the mortgagor or the mortgagor's assigns.

Provides that, if real property that includes the mineral interest in hydrocarbons together with the surface overlying such mineral interest is subject to both an oil or gas lease and a security instrument and the security interest is foreclosed, the foreclosure sale terminates and extinguishes any right granted under the oil or gas lease for the lessee to use the surface of the real property to the extent that the security instrument under which the real property was foreclosed had priority over the rights of the lessee under the oil or gas lease.

Provides that an agreement, including a subordination agreement, between a lessee of an oil or gas lease and a mortgagee of real property or the lessee of an oil or gas lease and the purchaser of foreclosed real property controls over any conflicting provision of this section. Prohibits an agreement between a mortgagor and mortgagee from modifying the application of this section unless the affected lessee agrees to the modification.

Provides that Chapter 66 (Sale of Property Subject to Oil or Gas Lease), Property Code, as added by this Act, applies only with respect to a foreclosure sale for which the notice of sale is given under Section 51.002 (Sale of Real Property Under Contract Lien), Property Code, on or after the effective date of this Act, or a judicial foreclosure for which the judicial foreclosure action commenced on or after the effective date of this Act.

Consideration of Steel Slag as Solid Waste—H.B. 2598
by Representative Kuempel et al.—Senate Sponsor: Senator Zaffirini

Certain states have reclassified steel slag as solid waste, inhibiting the use of steel slag in various applications. Steel slag is used in the construction of roads and oil and gas operating pads, as a replacement for agricultural lime, and in a variety of feedlot and hog confinement applications.

Classification of steel slag as solid waste constricts its viability as a commercial product and restricts its marketability. This bill:

Amends Subchapter B, Chapter 361, Health and Safety Code, by adding Section 361.040 (Treatment of Steel Slag as Solid Waste), to prohibit the Texas Commission on Environmental Quality from considering steel slag as solid waste if the steel slag is:

- an intended output or result of the use of an electric arc furnace to make steel;
- introduced into the stream of commerce; and
- managed as an item of commercial value, including through a controlled use in a manner constituting disposal, and not as discarded material.

Transactions Involving Oil, Gas, or Condensate—H.B. 3291 [VETOED]

by Representative Raymond—Senate Sponsor: Senators Zaffirini and Uresti

The rapid increase of oil and gas production in rural Texas has created more opportunities for oil field theft. The FBI-led Oilfield Theft Task Force in Midland estimates that the region averages between $400,000 and $800,000 a month in theft. The oil is stolen primarily with vacuum trucks, which are designed to remove water that collects at the bottom of oil storage tanks and to remove production water from wells that are being drilled, but which may also either collect oil along with the removed water or steal oil directly from a tank. Stolen oil can be bought and sold by individuals who effectively launder the oil and by companies in the industry. This bill:

Creates a second degree felony offense for a person who is not a pipeline operator or gatherer authorized to operate by the Railroad Commission of Texas to recklessly possess, transport, remove, deliver, accept, purchase, sell, or physically move oil, gas, or condensate as part of a regulated transaction without an applicable permit, approval, or authorization or a pending request for such a permit, approval, or authorization.

Prohibiting Camping and the Building of Fires in Certain Areas—H.B. 3618

by Representative Isaac—Senate Sponsor: Senator Campbell

Due to factors including the ongoing drought of record and significant population growth, Texas is experiencing increased public activity in dry riverbeds. This activity can lead to serious fire safety concerns, particularly for areas with dense and dry vegetation. This bill:

Provides that the bill only applies to a section of the Blanco River that is not located in a county adjacent to a county with a municipality with a population greater than 1.5 million.

Prohibits a person, notwithstanding Section 90.008(a) (prohibiting a person from restricting, obstructing, interfering with, or limiting public recreational use of a protected freshwater area), Parks and Wildlife Code, from camping or building a fire in a dry riverbed.

Meteorological Evaluation Towers—S.B. 505

by Senators Perry and West—House Sponsor: Representative Workman

The increasing prevalence of meteorological evaluation towers, which are used to measure wind speed and direction to identify locations for future wind turbines, has caused concern due to the number of fatal accidents involving these towers and low altitude pilots. Some types of towers, including certain meteorological evaluation towers, are not required to be marked or lighted, despite such requirements for other types of towers. According to these reports, many low altitude pilots experience difficulty seeing unmarked meteorological evaluation towers from the air, and the near invisibility of these unmarked towers contributes to extremely dangerous conditions for low altitude flight. S.B. 505 seeks to address this issue in order to help prevent tower-related accidents and fatalities. This bill:

Amends the Transportation Code to require a meteorological evaluation tower that is at least 50 feet but not more than 200 feet in height above ground level to be painted in equal alternating bands of aviation orange and white, beginning with orange at the top of the tower, and to have aviation orange marker balls installed and displayed in accordance with federal aviation standards. Prohibits such a tower from being supported by guy wires unless the guy wires have a seven-foot-long safety sleeve at each anchor point that extends from the anchor point along each guy wire attached to the anchor point.

Defines "meteorological evaluation tower" to mean a structure that is self-standing or supported by guy wires and anchors, is not more than six feet in diameter at the base of the structure, and has accessory facilities on which equipment is mounted for the purpose of documenting whether a site has sufficient wind resources for the operation of a wind turbine generator.

Excludes from the definition a structure that is located adjacent to a building, including a barn or an electric utility substation, or that is located in the curtilage of a residence.

Makes it a Class C misdemeanor for a person to own, operate, or erect a meteorological evaluation tower in violation of the bill's provisions and enhances the penalty to a Class B misdemeanor if it is shown on the trial of the offense that as a result of the commission of the offense a collision with the tower occurred causing bodily injury or death to another person.

Requires the Texas Department of Transportation (TxDOT), not later than December 31, 2015, to adopt rules to implement and administer the bill's provisions, including rules requiring a person who owns, operates, or erects a meteorological evaluation tower to provide notice to TxDOT of the existence of or intent to erect such a tower and to register the tower with TxDOT.

Establishes that a meteorological evaluation tower erected before the bill's effective date is not required to comply with the painting and marking requirements until September 1, 2016.

Eradication of Carrizo Cane Along the Rio Grande—S.B. 1734

by Senators Uresti and Zaffirini—House Sponsor: Representative Tracy O. King

Carrizo cane is a non-native invasive plant species that grows along the banks of the Rio Grande River in the Rio Grande Valley and interferes with the ability of the U.S. Border Patrol to protect the Texas-Mexico border by providing cover for individuals attempting to cross the border illegally and hindering the

movement and effectiveness of border patrol agents. Moreover, the trash and debris that accumulate in the cane damages the environment and that the cane uses massive amounts of freshwater resources and serves no useful ecological purpose. This bill:

Amends the Agriculture Code to require the State Soil and Water Conservation Board to develop and implement a program to eradicate Carrizo cane along the Rio Grande.

Citrus Pest and Disease Management—S.B. 1749

by Senators Hinojosa and Lucio—House Sponsor: Representative "Mando" Martinez

The Texas Citrus Pest and Disease Management Corporation, Inc., was established several years ago at a time when citrus greening disease, caused by the Asian citrus psyllid, posed a major threat to the citrus industry in Texas and other states. While that disease and the pest that spreads it remain concerns, there are other potential pests and diseases that also threaten this important industry. This bill:

Amends the Agriculture Code to expand the program of control and suppression of the Asian citrus psyllid and citrus greening under provisions relating to the official citrus producers' pest and disease management corporation to make the program applicable to the control and suppression of citrus pests and diseases generally.

Defines "pest" as a virus or organism that causes disease or other damage to citrus and that is designated by the commissioner of agriculture by rule for suppression.

Defines "disease" as an impairment of the normal state of citrus, caused by a virus or organism, that interrupts or modifies the performance of vital functions in citrus.

Includes the Asian citrus psyllid in the term "pest" and citrus greening in the term "disease."

Removes as a commissioner-appointed member of the board of directors of the Texas Citrus Pest and Disease Management Corporation, Inc., a representative from an industry allied with citrus production and adds as a commissioner-appointed member a representative of the nursery or ornamental citrus sales industry.

Development of Seawater and Brackish Groundwater—H.B. 30

by Representative Larson et al.—Senate Sponsor: Senator Perry

Brackish groundwater desalination is one of the water supply strategies that may be used to meet the state's water demands over the next several decades. Brackish groundwater desalination is the process of treating mostly inland water that contains a high level of total dissolved solids to a quality that can be used for drinking water and other uses. It has been reported that there are billions of acre-feet of brackish groundwater in Texas, and interested parties contend that, although expensive to develop, brackish groundwater supplies could provide a reliable alternative to traditional water supplies. This bill:

Provides for the study and research of brackish groundwater desalination in Texas as an alternative to the study and research of seawater desalination in Texas in statutory provisions relating to desalination studies and research by the Texas Water Development Board (TWDB). Requires that the TWDB biennial progress report on the implementation of desalination activities in Texas include identification and designation of local or regional brackish groundwater production zones in areas of Texas with moderate to high availability and productivity of brackish groundwater that can be used to reduce the use of fresh groundwater; that are separated by hydrogeologic barriers sufficient to prevent significant impacts to water availability or water quality in any area of the same or other aquifers, subdivisions of aquifers, or geologic strata that have an average total dissolved solids level of 1,000 milligrams per liter or less at the time of designation of the zones; and that are not located in certain areas. Sets forth the areas to be included in the report.

Requires TWDB to work with groundwater conservation districts and stakeholders and consider the Brackish Groundwater Manual for Texas Regional Water Planning Groups, any updates to the manual, and other relevant scientific data or findings when identifying and designating brackish groundwater production zones. Requires TWDB, in designating a brackish groundwater production zone, to determine the amount of brackish groundwater that the zone is capable of producing over a 30-year period and a 50-year period without causing a significant impact to applicable water availability or water quality and include in the designation description the amounts of brackish groundwater that the zone is capable of producing during such periods and recommendations regarding reasonable monitoring to observe the effects of brackish groundwater production within the zone.

Requires TWDB to include in the biennial progress report on the implementation of desalination activities that is due not later than December 1, 2016, an identification and designation of brackish groundwater production zones for certain areas set forth. Requires the TWDB, not later than December 1, 2022, to identify and designate brackish groundwater production zones for the other areas of Texas.

Interstate Cooperation to Address Regional Water Issues—H.B. 163

by Representatives Larson and Workman—Senate Sponsor: Senator Perry

Texas has become entangled in a number of legal disputes with neighboring states and Mexico regarding water allocation in the southwest region. The bill seeks to avoid litigation and instead facilitate a dialogue between these states that share contiguous bodies of water in order to effectively solve the ongoing problem of allocating a scarce and precious resource. This bill:

Provides that the Southwestern States Water Commission (commission), rather than Multi-State Water Resources Planning Commission, is created as an advisory commission to the governor of the State of Texas (governor) and the legislature, rather than is created as agency of the state.

Provides that the commission consists of three members: the governor or his designee; a member of the standing committee of the Senate that has jurisdiction over water, appointed by the governor; and a member of the standing committee of the House that has jurisdiction over natural resources, appointed by the governor.

Authorizes commissioners to discuss the current and future water needs of the region with representatives from Oklahoma, Louisiana, New Mexico, and Arkansas as well as representatives from the government of Mexico to discuss several water-related issues.

Authorizes the commission to contact and negotiate with other states regarding the need for establishing interstate compacts, addressing groundwater problems if an aquifer underlies several states, and addressing other related subjects that would be beneficial to the states.

Regulation of Groundwater—H.B. 200

by Representatives Keffer and Lucio III—Senate Sponsor: Senators Perry and Creighton

Establishing "desired future conditions" for aquifers is an essential tool in the groundwater management process. However, current law does not provide an adequate process through which an affected party may challenge the development or approval of a desired future condition. This bill:

Amends the Water Code to specify that groundwater conservation districts are the state's preferred method of groundwater management in order to protect property rights, balance the development and conservation of groundwater to meet the needs of the state, and use the best available science in the development and conservation of groundwater through certain district rules. Defines "best available science" as conclusions that are logically and reasonably derived using statistical or quantitative data, techniques, analyses, and studies that are publicly available to reviewing scientists and can be employed to address a specific scientific question.

Requires a court, if a district prevails on some, but not all, of the issues in a suit, to award attorney's fees and costs only for those issues on which the district prevails. Places the burden on the district of segregating the attorney's fees and costs in order for the court to make an award. Specifies that a court's granting of recovery for attorney's fees, costs for expert witnesses, and other costs incurred by a district before the court for a district that prevails in any suit other than a suit in which it voluntarily intervenes be in the interests of justice.

Revises the procedure for the appeal of a desired future condition of groundwater resources. Removes the authorization of a person with a legally defined interest in the groundwater in a management area, a district in or adjacent to a management area, or a regional water planning group for a region in a management area to file a petition with the Texas Water Development Board (TWDB) appealing the approval of the desired future conditions of the groundwater resources.

Repeals provisions requiring TWDB to review the petition and any evidence relevant to the petition, to hold at least one applicable hearing, and, if TWDB finds that the conditions require revision, to submit a report to the district that includes a list of findings and recommended revisions to the desired future conditions of the groundwater resources. Authorizes an affected person, not later than the 120th day after the date on which a district adopts a desired future condition, to file a petition with the district requiring that the district contract with the State Office of Administrative Hearings (SOAH) to conduct a hearing appealing the reasonableness of the desired future condition.

Requires the petitioner to pay the costs associated with the contract for the hearing and to deposit with the district an amount sufficient to pay the contract amount before the hearing begins. Authorizes SOAH after the hearing to assess costs to one or more of the parties participating in the hearing and requires the district to refund any excess money to the petitioner. Requires SOAH to make specified considerations in apportioning costs of the hearing. Requires the district, on receipt of the administrative law judge's findings of fact and conclusions of law in a proposal for decision, to issue a final order stating the district's decision on the contested matter and the district's findings of fact and conclusions of law. Authorizes the district to change a finding of fact or conclusion of law made by the administrative law judge, or to vacate or modify an order issued by the judge, as provided by the Administrative Procedure Act. Requires the district, if the district vacates or modifies the proposal for decision, to issue a report describing in detail the district's reasons for disagreement with the administrative law judge's findings of fact and conclusions of law and requires that the report provide the policy, scientific, and technical justifications for the district's decision.

Requires the districts in the same management area as the district that participated in the hearing, if the district in its final order finds that a desired future condition is unreasonable, to reconvene in a joint planning meeting not later than the 30th day after the date of the final order for the purpose of revising the desired future condition. Establishes that a final order by the district finding that a desired future condition is unreasonable does not invalidate the adoption of a desired future condition by a district that did not participate as a party in the hearing. Authorizes the administrative law judge to consolidate requested hearings that affect two or more districts and requires the judge to prepare separate findings of fact and conclusions of law for each district included as a party in a multidistrict hearing.

Provides that a final district order may be appealed to a district court with jurisdiction over any part of the territory of the district that issued the order and requires that the case be decided under the substantial evidence standard of review as provided by the Administrative Procedure Act. Requires the court, if the court finds that a desired future condition is unreasonable, to strike the desired future condition and order the districts in the same management area as the district that did not participate as a party in the hearing to reconvene in a joint planning meeting not later than the 30th day after the date of the court order for the purpose of revising the desired future condition. Specifies that a court's finding does not apply to a desired future condition that is not a matter before the court.

Entitles an affected person who is dissatisfied with the adoption of a desired future condition by a district to file suit against the district or its directors to challenge the reasonableness of the desired future condition and requires that the suit be filed in a court of competent jurisdiction in any county in which the district or any part of the district is located.

Information to be Posted on TWDB's Website—H.B. 280

by Representatives Simmons and Capriglione—Senate Sponsor: Senator Perry

The Texas Water Development Board is required to post on its website and update certain information regarding the use of the state water implementation fund for Texas. This bill:

Expands the information required to be posted on the website to include information regarding the amount of bonds issued and the terms of such bonds, a summary of the terms of the bond enhancement agreement, and the status of repayment of any loan provided in connection with the project, including an assessment of the risk of default based on a standard risk rating system that relate to the use of the state water implementation fund for Texas (fund).Requires TWDB to a description of the investment portfolio of the fund, the expenses incurred in investing money in the fund, and the rate of return on the investment of money in the fund on TWDB's Internet website.

Storage and Recovery of Water in Aquifers—H.B. 655

by Representative Larson et al.—Senate Sponsor: Senators Perry and Creighton

Although Texas relies heavily on reservoirs for storing water supplies, high evaporation losses due to the arid and semi-arid conditions throughout much of the state make this method of storage inefficient. Aquifer storage and recovery (ASR), a storage method in which water is injected underground for storage and future retrieval, eliminates evaporation losses. This bill:

Sets forth provisions relating to the storage and recovery of water in aquifers. Authorizes a water right holder or an applicable water user to undertake an ASR project without obtaining any additional water right authorization for the project, but requires the holder or user to obtain any required authorizations and to comply with the terms of the applicable water right.

Sets forth provisions relating to ASR projects in the Injection Well Act. Grants the Texas Commission on Environmental Quality (TCEQ) exclusive jurisdiction over the regulation and permitting of ASR injection wells, authorizes TCEQ to authorize the use of a Class V injection well as an ASR injection well, and requires reporting of injection and recovery volumes and water quality data to TCEQ by the project operator.

Sets forth provisions relating to ASR projects with regard to groundwater conservation districts. Provides for the registration and reporting of ASR injection wells and ASR recovery wells with the district in which the wells are located. Authorizes a district to assess a well registration fee or other administrative fee for an ASR recovery well. Prohibits a district from requiring a permit for drilling, equipping, operating, or completing an ASR injection well or an ASR recovery well that is authorized by TCEQ.

Subjects an ASR recovery well associated with an ASR project to certain requirements if the amount of groundwater recovered from the well exceeds the volume authorized by TCEQ to be recovered under the project.

Retail Public Utility Water Loss—H.B. 949
by Representative Lucio III—Senate Sponsor: Senator Perry

In 2014, the Texas Water Development Board (TWDB) adopted rules establishing water loss thresholds for retail public utilities that receive funding from TWDB. In developing these thresholds and reviewing water loss data during the rulemaking process, several utilities were identified as meeting or exceeding water loss thresholds. The current statute does not allow for any flexibility when a utility has already taken steps or is presently taking steps to mitigate its water loss. This bill:

Amends Section 16.0121(g), Water Code, to authorize TWDB, on the request of a retail public utility, to waive certain requirements if TWDB finds that the utility is satisfactorily addressing its water loss.

River Segments Possessing Unique Ecological Value—H.B. 1016
by Representative Tracy O. King—Senate Sponsor: Senator Uresti

The Water Code permits the legislature to designate a river or stream segment of unique value. Such designation means that a state agency or political subdivision of the state may not finance the construction of a reservoir in the designated segment. This bill:

Defines "Region L" and designates it as being of unique ecological value. Sets forth the river or stream segments contained therein.

Provides that this designation means only that a state agency or political subdivision of the state may not finance the actual construction of a reservoir in the designated segment and does not affect the ability of a state agency or political subdivision of the state to construct, operate, maintain, or replace a weir; a water diversion, flood control, drainage, or water supply system; a low water crossing; or a recreational facility in the designated segment.

Provides that this designation does not prohibit the permitting, financing, construction, operation, maintenance, or replacement of any water management strategy to meet projected water supply needs recommended in, or designated as an alternative in, the 2011 or 2016 Regional Water Plan for Region L and does not alter any existing property right of an affected landowner.

Site of Unique Value for the Construction of a Reservoir—H.B. 1042
by Representatives Frank and Springer—Senate Sponsor: Senator Estes

The Water Code permits the legislature to designate a river or stream segment of unique value and that such designation means that a state agency or political subdivision of the state may not finance the construction of a reservoir in the designated segment. This bill:

Provides that the legislature, as authorized by Section 16.051(g) (relating to land designated by the legislature for construction of a reservoir), Water Code, designates the site of the proposed Ringgold reservoir, to be located on the Little Wichita River in Clay County approximately one-half mile upstream from its confluence with the Red River, as having unique value for the construction of a dam and reservoir and further determines that the reservoir is necessary to meet water supply needs.

Persons Who May Operate a Public Water Supply System—H.B. 1146

by Representative Kacal—Senate Sponsor: Senator Schwertner

H.B. 1146 clarifies that a licensed water supply system operator may be a volunteer and requires the owner or manager of the water supply system to maintain records regarding the volunteer operator. This bill:

Amends Section 341.033, Health and Safety Code, by adding Subsection (a-1), to authorize the licensed operator of a water supply system to be a volunteer.

Requires the owner or manager of a water supply system that is operated by a volunteer to maintain a record of each volunteer operator showing the name of the volunteer, contact information for the volunteer, and the time period for which the volunteer is responsible for operating the water supply system.

Amends Section 341.034(a), Health and Safety Code, to require a person who operates a public water supply on a contract or volunteer basis to hold a registration issued by the Texas Commission on Environmental Quality (TCEQ) under Chapter 37 (Occupational Licensing and Registration), Water Code.

Requires TCEQ to adopt rules necessary to implement Sections 341.033 and 341.034, Health and Safety Code, as amended by this Act, not later than December 1, 2015.

Revolving Funds Administered by TWDB—H.B. 1224

by Representative Lucio III—Senate Sponsor: Senator Perry

The Texas Water Development Board (TWDB) leverages the clean water state revolving fund to sell bonds to increase the amount of available funds. Cross-collateralization, when authorized, allows funds from one state revolving fund to be used to secure other state revolving funds from revenue shortfalls and that cross-collateralization can have a significant positive impact overall on state revolving fund programs. H.B. 1224 provides for the cross-collateralization of certain funds. This bill:

Authorizes the TWDB by resolution, notwithstanding any other law to the contrary, to approve the use of assets of the revolving fund, the safe drinking water revolving fund, or an additional state revolving fund as a source of revenue or security, or both revenue and security, for the payment of the principal of and interest on state revolving fund bonds.

TWDB Aquifer Study—H.B. 1232

by Representative Lucio III—Senate Sponsor: Senator Estes

The Groundwater Resources Division of the Texas Water Development Board (TWDB) is responsible for all aspects of groundwater studies in the state, including the collection, interpretation, and provision of accurate and objective information on groundwater resources in Texas. Additionally, TWDB maintains a variety of maps of the state's water resources to accurately address present and future water needs of the state. This bill:

Requires TWDB to conduct a study of the hydrology and geology of the confined and unconfined aquifers in this state to determine the quality and quantity of groundwater in those aquifers (specifically regarding

the salinity of those aquifers), whether those aquifers are tributary or non-tributary, the contribution of those aquifers to any surface flow of any water in this state, and the contribution of those aquifers to any other aquifer in this state.

Requires TWDB, in conducting the study, to produce a map that identifies the area and water quality of the confined and unconfined aquifers in this state, a map that identifies which aquifers are tributary and which are non-tributary, and a report on the contribution of those aquifers to any other aquifer in this state.

Requires TWDB, before conducting the study, to determine the minimum rate at which an aquifer must contribute to another aquifer in this state or to the surface flow of any water in this state in order to be included in the study.

Regulation and Use of Graywater—H.B. 1902

by Representative Howard et al.—Senate Sponsor: Senator Zaffirini

Statutory provisions governing graywater disposal and reuse were developed over a decade ago and since that time, new technologies and systems have been created, expanding the possibilities for safe reuse of graywater on commercial, industrial, and domestic properties. This bill:

Requires the Texas Commission on Environmental Quality (TCEQ) by rule to adopt and implement minimum standards for the indoor and outdoor use and reuse of treated graywater and alternative onsite water for irrigation and other agricultural purposes, domestic use, commercial purposes, and industrial purpose

Requires that the standards adopted by TCEQ allow the use of graywater and alternative onsite water for toilet and urinal flushing.

Requires that the standards adopted by TCEQ assure that the use of graywater or alternative onsite water is not a nuisance and does not threaten human health or damage the quality of surface water and groundwater in Texas.

Authorizes TCEQ by rule to adopt and implement rules providing for the inspection and annual testing of a graywater or alternative onsite water system by TCEQ.

Requires TCEQ to develop and make available to the public a regulatory guidance manual to explain the rules that it adopts relating to graywater.

Prohibits TCEQ from requiring a permit for the domestic use of less than 400 gallons of graywater or alternative onsite water each day if the water: originates from a private residence; is used by the occupants of that residence for gardening, composting, landscaping, or indoor use as allowed by rule, including toilet or urinal flushing is collected using a system that may be diverted, rather than overflows, into a sewage collection or on-site wastewater treatment and disposal system; is, if required by rule, stored in surge tanks that are clearly labeled as nonpotable water, restrict access, especially to children, and eliminate habitat for mosquitoes and other vectors; or is generated without the formation of ponds or pools of graywater or alternative onsite water.

Provides that each builder is encouraged to install plumbing in new housing in a manner that provides the capacity to collect graywater or alternative onsite water from all allowable sources; and design and install a subsurface graywater or alternative onsite water system around the foundation of new housing in a way that minimizes foundation movement or cracking.

Requires TCEQ, to assure the effective and efficient administration of Chapter 366 (On-Site Sewage Disposal Systems), Health and Safety Code, to: adopt rules under this chapter that allow for an adjustment in the size required of an on-site sewage disposal system if the system is used in conjunction with a graywater system that complies with the rules adopted under Section 341.039 (Graywater Standards), Health and Safety Code.

Redefines "graywater" to have the meaning provided by Section 341.039, Health and Safety Code.

Deletes existing text defining "graywater" to mean wastewater from clothes washing machines, showers, bathtubs, hand washing lavatories, and sinks that are not used for disposal of hazardous or toxic ingredients.

Deletes existing text providing that "graywater" does not include wastewater that has come in contact with toilet waste, from the washing of material, including diapers, soiled with human excreta, or from sinks used for food preparation or disposal.

Applicability of Certain Provisions Concerning Invasive Species—H.B. 1919
by Representative Phillips—Senate Sponsor: Senator Estes

Under Sections 66.007 (Exotic, Harmful, or Potentially Harmful Fish and Shellfish) and 66.0072 (Exotic, Harmful or Potentially Harmful Aquatic Plants) of the Parks and Wildlife Code, a political subdivision or municipally owned utility, in operating its water supply system, could be criminally liable if water transferred in its water supply system contains state-listed invasive species, even though the political subdivision or municipally owned utility played no role in introducing the invasive species into the water being transferred. A recent infestation of zebra mussels in Lake Texoma has highlighted certain logistical complications resulting from the attempt to manage water supplies that contain invasive species. This bill:

Prohibits the Texas Parks and Wildlife Department (TPWD) from requiring a permit for a water transfer described in Sections 66.007 and 66.0072, Parks and Wildlife Code.

Provides that Sections 66.007 and 66.0072, Parks and Wildlife Code, apply to a water transfer that is:

- through a water supply system, including a related water conveyance, storage, or distribution facility;
- undertaken by a utility owned by a political subdivision, including a water district or municipality;
- a transfer from a water body in which there is no known exotic harmful or potentially harmful fish or shellfish population;
- a transfer of water into a water body in which there is a known exotic harmful or potentially harmful fish or shellfish population;
- a transfer of water directly to a water treatment facility;
- a transfer of water that has been treated prior to the transfer into a water body; or

- a transfer of water from a reservoir or through a dam to address flood control or to meet water supply requirements or environmental flow purposes, provided that a person making a transfer of water from a body of water in which there is a known exotic harmful or potentially harmful fish or shellfish population notifies the department annually in writing before the proposed transfer occurs.

Marine Seawater Discharge and Treatment—H.B. 2031

by Representative Lucio III et al.—Senate Sponsor: Senator Hinojosa et al.

Marine seawater desalination is the process of treating marine seawater to achieve a quality that can be used for drinking water and other uses. With its long coastline along the Gulf of Mexico, Texas has access to a nearly limitless supply of seawater for desalination. Marine seawater desalination is among the water supply strategies planned to be used to meet the state's water demands over the next 50 years. However, the relatively high cost of desalination poses a challenge for the implementation of a large-scale seawater desalination facility in Texas. This bill:

Provides that with this state facing an ongoing drought, continuing population growth, and the need to remain economically competitive, every effort must be made to secure and develop plentiful and cost-effective water supplies to meet the ever-increasing demand for water. Provides that the purpose of this Act is not to hinder efforts to conserve or develop other surface water supplies but rather to more fully explore and expedite the development of all this state's water resources in order to balance this state's supply and demand for water, which is one of the most precious resources of this state.

Provides that the projected long-term water needs of this state currently far exceed the firm supplies that are available and that can reasonably be made available from freshwater sources within this state. Provides that the legislature recognizes the importance of providing for this state's current and future water needs at all times, including, consistent with reasonable drought contingency measures, during severe droughts.

Provides that the legislature finds that marine seawater desalination facilities should be cost-effectively and timely developed, concurrently with other water planning solutions, to help this state meet its current and future water needs.

Provides that the legislature finds that it is necessary and appropriate to grant authority and provide for expedited and streamlined authorization for marine seawater desalination facilities, consistent with appropriate environmental and water right protections, in order to avoid unnecessary costs, delays, and uncertainty and thereby help justify the investment of significant resources in the development of such facilities.

Amends Section 5.509(a), Water Code, to authorize the Texas Commission on Environmental Quality (TCEQ) to issue an emergency or temporary order relating to the discharge of waste or pollutants into or adjacent to water in the state if the order is necessary to enable action to be taken more expeditiously than is otherwise provided by Chapter 18 (Marine Seawater Desalination Projects) or 26 (Water Quality Control), Water Code.

Requires a water supply entity, which includes a retail public utility, a wholesale water supplier, or an irrigation district, to obtain a permit to divert and use state water that consists of marine seawater if the

point of diversion is located less than three miles from any point located on the coast of Texas or if the seawater contains a total dissolved solids concentration based on a yearly average of samples taken at the water source of less than 20,000 milligrams per liter.

Provides that such rules may impose different treatment requirements based on the purpose for which the seawater is to be used but requires the rules to require that the seawater be treated in accordance with specified statutory provisions based on whether the water is to be used as public drinking water, whether the bed and banks of a flowing natural stream in Texas or a lake, reservoir, or other impoundment in Texas are to be used to convey the water, or whether the water is to be discharged into a flowing natural stream in Texas or a lake, reservoir, or other impoundment in Texas.

Provides that the point of diversion of marine seawater may not be in a bay or estuary. Requires TCEQ to adopt rules prescribing the number of points. Adds provisions subject to a criminal penalty.

Requires each regional water planning group to submit to the Texas Water Development Board (TWDB) a regional water plan that includes consideration of the opportunities for and the benefits of developing large-scale desalination facilities for marine seawater that serve local or regional entities.

Defines "commission," "marine seawater," and "project."

Provides that Chapter 18, Water Code, is intended to provide an alternative procedure for obtaining an authorization to divert and use state water that consists of marine seawater or to discharge treated marine seawater or waste resulting from the desalination of treated marine seawater.

Provides that Chapter 18, Water Code, does not affect the authority of a person to divert and use state water that consists of marine seawater in accordance with the procedures provided by Chapter 11 (Water Rights), Water Code, including the authority to divert marine seawater from a point of diversion located in a bay or estuary, or discharge treated marine seawater or waste resulting from the desalination of treated marine seawater in accordance with the procedures provided by Chapter 26, Water Code, including the authority to discharge waste resulting from the desalination of marine seawater into a bay or estuary.

Requires a person who diverts and uses state water that consists of marine seawater to determine the total dissolved solids concentration of the seawater at the water source by monthly sampling and analysis and provide the data collected to the TCEQ.

Prohibits a person from beginning construction of a facility for the diversion of marine seawater without obtaining a permit until the person has provided data to TCEQ based on the analysis of samples taken at the water source over a period of at least one year.

Authorizes a person to use marine seawater for any beneficial purpose, but only if the seawater is treated in accordance with rules adopted by TCEQ before it is used.

Requires TCEQ to adopt rules providing an expedited procedure for acting on an application for a permit and that the rules provide for notice, an opportunity for the submission of written comment, and an opportunity for a contested case hearing regarding TCEQ actions relating to an application for a permit.

Requires the Texas Parks and Wildlife Department (TPWD) and the Texas General Land Office (GLO) jointly to conduct a study to identify zones in the Gulf of Mexico that are appropriate for the diversion of marine seawater, taking into account the need to protect marine organisms. Requires TPWD and GLO, not later than September 1, 2018, to submit a report on the results of the study to TCEQ. Requires that the report include recommended diversion zones for designation by TCEQ and recommendations for the number of points from which, and the rate at which, a facility may divert marine seawater.

Requires TCEQ, not later than September 1, 2020, to designate appropriate diversion zones by rule. Provides that a diversion zone be contiguous to, be the same as, or overlap a discharge zone. Requires that the point or points from which a facility may divert marine seawater be located in a diversion zone designated by TCEQ under rules adopted under this subsection if the facility is authorized by a permit issued after the rules are adopted or the facility is exempt from the requirement of a permit and construction of the facility begins after the rules are adopted.

Authorizes a person, with prior authorization granted under rules prescribed by TCEQ, to use the bed and banks of any flowing natural stream in this state or a lake, reservoir, or other impoundment in this state to convey marine seawater that has been treated so as to meet standards that are at least as stringent as the water quality standards applicable to the receiving stream or impoundment adopted by TCEQ.

Requires TCEQ to provide for notice and an opportunity for the submission of written comment but prohibits TCEQ from providing an opportunity for a contested case hearing regarding TCEQ actions relating to an application for an authorization to use the bed and banks of a flowing natural stream to convey treated marine seawater. Requires TCEQ to provide for notice, an opportunity for the submission of written comment, and an opportunity for a contested case hearing regarding TCEQ actions relating to an application for an authorization to use a lake, reservoir, or other impoundment to convey treated marine seawater.

Prohibits a person from discharging treated marine seawater into a flowing natural stream in this state or a lake, reservoir, or other impoundment in this state for the purpose of conveyance of the water under an authorization unless the person holds a permit issued under Section 18.005, Water Code, authorizing the discharge.

Requires a person to obtain a permit to discharge treated marine seawater into a natural stream in this state or a lake, reservoir, or other impoundment in this state or waste resulting from the desalination of treated marine seawater into the Gulf of Mexico.

Requires a person to treat marine seawater so as to meet standards that are at least as stringent as the water quality standards adopted by TCEQ applicable to the receiving stream or impoundment before discharging the seawater and comply with all applicable state and federal requirements when discharging waste resulting from the desalination of marine seawater into the Gulf of Mexico.

Requires TCEQ by rule to provide an expedited procedure for acting on an application for a permit. Requires that the rules provide for notice, an opportunity for the submission of written comment, and an opportunity to request a public meeting and may authorize a contested case hearing regarding TCEQ actions relating to an application for a permit if the point of discharge is located within three miles of any point located on the coast of this state.

Requires TPWD and the Texas General Land Office (GLO) jointly to conduct a study to identify zones in the Gulf of Mexico that are appropriate for the discharge of waste resulting from the desalination of marine seawater, taking into account the need to protect marine organisms. Requires TPWD and GLO, not later than September 1, 2018, to submit a report on the results of the study to TCEQ. Requires that the report include recommended discharge zones for designation by TCEQ. Requires TCEQ, not later than September 1, 2020, to designate appropriate discharge zones by rule. Requires that the point at which a facility may discharge waste resulting from the desalination of marine seawater be located in a discharge zone designated by TCEQ under rules if the facility is authorized by a permit after the rules are adopted.

Disposal of Drinking Water Treatment Residuals in Injection Wells—H.B. 2230

by Representative Larson et al.—Senate Sponsor: Senator Estes

A byproduct of the desalination process is a concentrated waste product known as brine. Brine from inland desalination operations is disposed of in injection wells. Class V underground injection wells are shallow wells permitted by the Texas Commission on Environmental Quality (TCEQ) for the injection of nonhazardous fluids. Class II underground injection wells are deep wells permitted by the Texas Railroad Commission (railroad commission) for the disposal of waste from oil and gas exploration. Interested parties recommend that TCEQ authorize the injection of certain brine into a permitted Class II injection well, which will potentially lower the cost of inland desalination operations and reduce demand on supplies of fresh groundwater. This bill:

Provides that TCEQ may authorize by individual permit, general permit, or rule a Class V injection well for the injection of nonhazardous brine from a desalination operation or nonhazardous drinking water treatment residuals into a Class II injection well that is also permitted by the railroad commission under Subchapter C (Oil and Gas Waste; Injection Wells), Water Code.

Requires TCEQ and the railroad commission by rule to enter or amend a memorandum of understanding to implement this policy.

Correctional Facility Water Conservation Measures—H.B. 2788 [VETOED]

by Representatives Springer and Frank—Senate Sponsor: Senator Perry

Much of the state has recently experienced moderate to severe drought and in many areas water restrictions have been placed on private businesses and citizens; however, correctional facilities, which compose a large percentage of water use in municipalities, generally do not have to adopt conservation measures. This bill:

Amends the Water Code to authorize a retail public utility to require the operator of a correctional facility that receives retail water or sewer utility service from the utility to comply with water conservation measures adopted or implemented by the utility.

Enforcement of Permits for Wastewater Treatment Facilities—H.B. 3264

by Representative Guillen—Senate Sponsor: Senator Hinojosa

The Texas Commission on Environmental Quality (TCEQ) has limited authority to shut down an unpermitted wastewater treatment facility for noncompliance while the facility awaits the issuance of a permit. The result is that unlicensed operators are able to accept waste with no regulatory oversight for months or even years while the permitting process takes place. This bill:

Authorizes TCEQ to issue an emergency order suspending operations of a treatment facility that handles water and wastewater from humans or household operations, is required to obtain a permit from TCEQ, and is operating without the required permit.

Seawater Desalination Projects—H.B. 4097

by Representative Hunter et al.—Senate Sponsor: Senators Kolkhorst and Creighton

While the state's population is projected to increase in the next several decades, the state's water supply is projected to decrease over the same period. Seawater desalination could help ensure a future reliable water supply for the state's residents and businesses. This bill:

Requires the Public Utility Commission of Texas (PUC), in cooperation with transmission and distribution utilities and the Electric Reliability Council of Texas (ERCOT) independent system operator, to study and report on whether existing transmission and distribution planning processes are sufficient to provide adequate infrastructure for seawater desalination projects. Requires PUC to include recommendations in the report if PUC determines that statutory changes are needed to ensure that adequate infrastructure is developed for projects of that kind.

Requires PUC and the ERCOT independent system operator to study the potential for seawater desalination projects to participate in existing demand response opportunities in the ERCOT market.

Authorizes the Texas Commission on Environmental Quality (TCEQ) to issue a permit to authorize a diversion of state water from the Gulf of Mexico or a bay or arm of the Gulf of Mexico for desalination and use for industrial purposes if the point of diversion is located less than three miles seaward of any point located on the coast of this state or the seawater contains a total dissolved solids concentration based on a yearly average of samples taken monthly at the water source of less than 20,000 milligrams per liter.

Requires a person who diverts and uses state water that consists of marine seawater to determine the total dissolved solids concentration of the seawater at the water source by monthly sampling and analysis and to provide the data collected to TCEQ. Prohibits a person from beginning construction of a facility for the diversion of marine seawater for the purposes provided by this section without obtaining a permit until the person has provided data to TCEQ based on the analysis of samples taken at the water source over a period of at least one year.

Requires TCEQ to evaluate whether any proposed diversion is consistent with any applicable environmental flow standards established under Section 11.1471 (Environmental Flow Standards and Set-Asides), Water Code.

Authorizes TCEQ to issue a permit for the discharge of water treatment residuals from the desalination of seawater into the portion of the Gulf of Mexico inside the territorial limits of the state.

Requires TCEQ, before issuing a permit under this section, to evaluate the discharge of water treatment residuals from the desalination of seawater into the Gulf of Mexico for compliance with the state water quality standards adopted by TCEQ, the requirements of the Texas Pollutant Discharge Elimination System program, and applicable federal law.

Rights of an Owner of Groundwater—H.B. 4112

by Representatives Burns and Cyrier—Senate Sponsor: Senators Perry and Creighton

Recent legislation amended the statute relating to groundwater ownership and rights established by common law and provided a more detailed description of groundwater ownership and rights that the legislature believed the courts had established for landowners. However, in a recent court case, a court established a private property right that is not referenced in the statute. This bill:

Provides that the groundwater ownership and rights recognized by the legislature entitle a landowner, including a landowner's lessees, heirs, or assigns, to have any right recognized under common law and not just the right to drill for and produce the groundwater below the surface of real property without causing waste or malicious drainage of other property or negligently causing subsidence.

Water Conservation Advisory Council Duties—S.B. 551

by Senator Seliger—House Sponsor: Representative Keffer

The Water Conservation Advisory Council was created to provide the governor, members of the legislature, the public, and other entities with the resource of a select council with expertise in water conservation. It is appropriate to use such council expertise to make recommendations for legislative action along with the biennial progress report on water conservation in Texas that the council already is required to submit to the governor, lieutenant governor, and speaker of the house of representatives. This bill:

Amends the Water Code to require the Water Conservation Advisory Council, not later than December 1 of each even-numbered year and in addition to the statutorily required biennial progress report on water conservation, to submit to the governor, lieutenant governor, and speaker of the house of representatives recommendations for legislation to advance water conservation in Texas, including conservation through the reduction of the amount of water lost because of evaporation.

Accidental Discharges From Wastewater Facilities—S.B. 912

by Senator Eltife—House Sponsor: Representative Crownover

Section 26.039, Water Code, establishes the reporting requirements associated with accidental discharges or spills by wastewater utilities. Current law requires that any accidental discharge or spill in any amount that causes or may cause pollution must be reported to the Texas Commission on Environmental Quality (TCEQ) and to local government officials and local media within 24 hours of the discharge or spill. The existing reporting requirements on wastewater discharges are unduly burdensome on wastewater utilities.

The smallest accidental discharges or spills still require significant paperwork and expenditure of resources. The creation of a distinction between what is considered an accidental "spill" versus an "unauthorized discharge" is vital in establishing an effective regulatory framework for wastewater utilities. This bill:

Requires the individual operating, in charge of, or responsible for the activity or facility, whenever an accidental discharge or spill occurs at or from any activity or facility which causes or may cause pollution, to notify TCEQ as soon as possible and not later than 24 hours after the occurrence.

Requires the individual, if an accidental discharge or spill from a wastewater treatment or collection facility owned or operated by a local government may adversely affect a public or private source of drinking water, to also notify appropriate local government officials and local media.

Provides that the individual is not required to notify TCEQ of an accidental discharge or spill of treated or untreated domestic wastewater of a single accidental discharge or spill that:

- occurs at a wastewater treatment or collection facility owned or operated by a local government;
- has a volume of 1,000 gallons or less;
- is not associated with another simultaneous accidental discharge or spill;
- is controlled or removed before the accidental discharge or spill enters water in the state or adversely affects a public or private source of drinking water;
- will not endanger human health or safety or the environment; and
- is not otherwise subject to local regulatory control and reporting requirements.

Requires the individual to calculate the volume of an accidental discharge or spill using an established standard method to determine whether the discharge or spill is exempted from reporting requirements.

Study of Wind or Solar Power to Desalinate Brackish Groundwater—S.B. 991

by Senator Rodríguez—House Sponsor: Representative Larson

Fossil-fueled electricity production used to power desalination plants is water-intensive, making for an inefficient desalination process in which water is being used to desalinate water. Coupling desalination with certain renewable energy resources would allow for a freshwater production process that requires much less water. This bill:

Requires the General Land Office (GLO) in consultation with the Texas Water Development Board (TWDB) to conduct a study regarding the use of wind or solar power to desalinate brackish groundwater on real property owned by the state. Authorizes GLO and TWDB to request data from any state agency in conducting the study and requires an agency receiving such a request to provide the requested data. Authorizes GLO to coordinate with a research division of a university in conducting the study. Requires GLO, not later than December 31, 2016, to report the results of the study to the governor and the legislature and prohibits the report from disclosing information that is excepted from state public information law.

Public Health Impacts of Regional Water Plans—S.B. 1101
by Senator Eltife—House Sponsor: Representative Paddie

S.B. 1101 allows a regional planning group that does not include a groundwater conservation district to set its groundwater supply data for planning purposes. The law affects only Region D because it is the only regional water planning group without a groundwater conservation district. This bill:

Amends the Water Code, for the purpose of the requirement that a regional water planning group's regional water plan be consistent with the desired future conditions adopted for the relevant aquifers located in the regional water planning area, to require the regional water planning group to determine the supply of groundwater for regional planning purposes if no groundwater conservation district exists within the area of the regional water planning group.

Requires the Texas Water Development Board (board) to review and approve, prior to inclusion in the regional water plan, that the groundwater supply for the regional planning group without a groundwater conservation district in its area is physically compatible, using the board's groundwater availability models, with the desired future conditions adopted under Section 36.108 (Joint Planning in Management Area), Water Code, for the relevant aquifers in the groundwater management area that are regulated by groundwater conservation districts.

Requires that each regional water planning group submit to the development board a regional water plan that includes but is not limited to consideration of potential impacts on public health, safety, or welfare in Texas.

Economic Regulation of Water and Sewer Service—S.B. 1148
by Senators Watson and Nichols—House Sponsor: Representative Geren

The 83rd Legislature, Regular Session, 2013, transferred the economic regulation of water and sewer rates from the Texas Commission on Environmental Quality (TCEQ) to the Public Utility Commission (PUC). S.B. 1148 addresses certain provisions of the Water Code in order to ensure that water rate setting conforms with current PUC procedures, to clarify PUC authority with regard to the issuance of an emergency order, and to grant additional time for processing certain rate cases. This bill:

Requires that, in a contested hearing delegated by TCEQ to the State Office of Administrative Hearings (SOAH) that uses prefiled written testimony, all discovery be completed before the deadline for the submission of that testimony. Authorizes PUC to issue emergency orders, with or without such a hearing.

Requires a municipally owned utility to disclose to any person, on request, the number of ratepayers who reside outside the corporate limits of the municipality. Prohibits a municipally owned utility from charging a fee for disclosing such information. Requires a municipally owned utility to provide to any person, on request, a list of the names and addresses of those ratepayers, with the exception of the ratepayers who have requested that the utility keep their information confidential. Authorizes the municipally owned utility to charge a reasonable fee for providing specific names and addresses.

Authorizes PUC to delegate to a SOAH judge the authority to give notice of a hearing, including notice to the governing body of each affected municipality and county.

Requires a utility or a water supply or sewer service corporation, on or before the 120th day before the effective date of a sale, acquisition, lease, or rental of a water or sewer system owned by an entity that is required by law to possess a certificate of public convenience and necessity (CCN) or the effective date of a sale or acquisition of or merger or consolidation with such an entity, to file a written application with PUC, and unless public notice is waived by PUC for good cause shown, give public notice of the action.

Requires TCEQ and PUC to coordinate as needed to carry out the provisions of this Act.

Authorizes PUC to issue an emergency order after providing the notice and opportunity for a hearing that PUC considers practicable under the circumstances or without notice or opportunity for a hearing. Requires PUC to provide the notice not later than the 10th day before the date set for the hearing if PUC considers the provision of notice and opportunity for a hearing practicable.

Authorizes PUC by order or rule to delegate to the executive director of the PUC the authority to receive applications and issue emergency orders and authorize a representative or representatives to act on behalf of the executive director.

Provides that a law under which PUC acts that requires notice of hearing or that prescribes procedures for the issuance of emergency orders does not apply to a hearing on an emergency order issued unless the law specifically requires notice for an emergency order.

Requires that a hearing be held to affirm, modify, or set aside the emergency order unless the person affected by the order waives the right to a hearing if PUC or the executive director issues an emergency order without a hearing. Requires PUC or the executive director to set a time and place for a hearing to be held before PUC or SOAH, which must be as soon as practicable after the order is issued if the person does not waive the right to a hearing.

Texas Water Resources Finance Authority—S.B. 1301

by Senator Perry—House Sponsor: Representative Lucio III

With the recent change in the number of directors of the Texas Water Development Board, certain statutory changes are needed regarding the governance and administration of the Texas Water Resources Finance Authority. This bill:

Amends the Water Code to make a technical correction regarding composition of the board of directors of the Texas Water Resources Finance Authority and to specify that the board may hold special meetings on request of a majority of the directors.

Sales Tax Exemption for Water-Efficient Products—S.B. 1356

by Senator Hinojosa—House Sponsor: Representatives Darby and Howard

Water conservation is the least expensive way to ensure an adequate water supply. Water-efficient products save consumers money and reduce consumption rates for the state's valuable water resources, which are ever more valuable due to ongoing drought conditions. While there is currently an annual sales tax holiday for energy-efficient products intended to encourage consumers to replace inefficient home

appliances and reduce energy consumption, water-efficient products are not included in the holiday. This bill:

Defines "water-conserving product" and "WaterSense product."

Exempts the sale of a water-conserving product or a WaterSense product from the sales and use taxes imposed under Chapter 151 (Limited Sales, Excise, and Use Tax), Tax Code, if the sale takes place under the conditions provided in this bill.

Ad Valorem Tax Appraisal Records—H.B. 394

by Representative McClendon et al.—Senate Sponsor: Senator West

The accessibility of certain personal information over the Internet is cause for concern, specifically the ability to procure private citizens' personal or financial information and identifying information from property appraisal records and other information posted on appraisal district websites. This information could be used in determining a property owner's location, which could prove detrimental to the property owner's safety, especially in cases involving vulnerable populations such as the elderly. This bill:

Prohibits the Internet posting of certain appraisal records that indicate the age of a property owner, including information indicating that a property owner is 65 years of age or older.

Production of Certain Public Information—H.B. 685

by Representative Sheets—Senate Sponsor: Senator Hancock

The attorney general has determined that a public information officer does not fulfill the officer's duty to produce requested public information by simply referring a requestor to the governmental body's website. Allowing a public information request to be fulfilled in such a manner could result in a reduction of the cost and time necessary to comply with open records requests and could also encourage governmental bodies to provide more public information on their websites, resulting in more information being readily available to the public. This bill:

Authorizes a political subdivision of the state to refer open records requestors to the political subdivision's website in response to the request, when appropriate.

Clarifies the authority of a governmental body to withhold personal information in a utility customer's account record.

Petition to State Agency for Adoption of Rules—H.B. 763

by Representative Susan King—Senate Sponsor: Senator Perry

Under current law, a member of the general public may petition a Texas state agency for rulemaking on a particular issue and once a petition is submitted, the agency is required to review the petition and has 60 days to either deny the petition with explanation or initiate rulemaking. Yet despite the potential impact of this rulemaking process on state law, there are no requirements that the petitioner be a Texas resident, that the petitioner be associated with an entity located in Texas, or that a majority of the signers of a petition be from Texas. This bill:

Amends the Government Code, for purposes of Administrative Procedure Act provisions authorizing an interested person by petition to a state agency to request the adoption of an administrative rule, to require the interested person to be a Texas resident, a business entity located in Texas, a governmental subdivision located in Texas, or a public or private organization located in Texas that is not a state agency.

Requires at least 51 percent of the total number of required signatures for the petition to be signatures of Texas residents if a state agency requires signatures for the petition.

Compatibility of State Agency Websites With Certain Devices—H.B. 855
by Representatives Sanford and Scott Turner—Senate Sponsor: Senator Van Taylor

Due to the continuous evolution of technology and constantly changing methods of information and communication, it is important to ensure that state agency websites are compatible with wireless communication devices and at least the three most commonly used Internet browsers as determined by the Department of Information Resources (DIR). This bill:

Requires DIR to identify the three most commonly used Internet browsers and post a list containing those browsers in a conspicuous location on the department's Internet website, and to biennially review and, if necessary, update the list.

Requires each state agency that maintains a generally accessible Internet website or for which a generally accessible Internet website is maintained shall ensure that the website is compatible with a wireless communication device and the most recent version of each Internet browser listed by DIR as required.

Prosecution for Interference With Public Duties—H.B. 1061
by Representative Chris Turner et al.—Senate Sponsor: Senator Whitmire

Current law does not adequately protect law enforcement officials from acts of retaliation involving the dissemination of personal information, as evidenced in recent incidents in which private data belonging to employees of certain law enforcement agencies, including social security numbers and passwords, was published online by a hacking group. Such unauthorized disclosure of personal information is known as "doxing." This bill:

Creates a rebuttable presumption that an actor interfered with a peace officer if it is shown at trial that the actor intentionally disseminated the home address, home telephone number, emergency contact information, or social security number of the officer or a family member of the officer or any other information described by Section 552.117 (Exception: Confidentiality of Certain Addresses, Telephone Numbers, Social Security Numbers, and Personal Family Information), Government Code.

Provides that this presumption does not apply to information disseminated by a radio or television station that holds a license issued by the Federal Communications Commission or certain free newspapers.

Digital Message Display Systems—H.B. 1542
by Representative Paddie—Senate Sponsor: Senator Creighton

When a Texas resident enters a field office of the Texas Department of Motor Vehicles (TxDMV), the Department of Public Safety of the State of Texas (DPS), or a county tax assessor-collector's office to conduct certain business, it is often necessary to stand in line or wait in a waiting area before seeing a representative to transact business. Certain parties have expressed support for the installation of digital message display systems in these and other waiting areas to provide customers with valuable information, including information about particular transactions, new state programs and initiatives, and new regulations. This bill:

Authorizes the use of digital message display systems in certain public facilities of DPS, TxDMV, and a county.

Request for Public Information by Electronic Mail—H.B. 2134
by Representative Burkett—Senate Sponsor: Senator Hall

A public information request made of a governmental body is considered to be withdrawn if the governmental body sends a request for clarification or discussion and there is no response by the requestor of the public information within a specific time frame. Such a request made by a person who provides a physical or mailing address is not withdrawn unless the request for clarification is sent to the address by certified mail. Interested parties have asserted that there should be a reasonable standard for requests for public information sent by electronic mail. This bill:

Provides that a request for public information, if the request was sent by electronic mail, is considered to have been withdrawn if the original requestor does not reply to a request for clarification within 61 days.

Images Captured by Unmanned Aircraft—H.B. 2167
by Representative Smith—Senate Sponsor: Senator Zaffirini

Surveyors, geologists, academic researchers and other professionals often must traverse terrain that is sometimes remote, difficult, or dangerous in order to complete their work. Such professionals note that that the use of unmanned aircraft to capture imagery related to their work would allow them to complete their work more quickly, efficiently, and safely.

The 83rd Legislature passed a bill that created an offense for the use of an unmanned aircraft to capture an image of a person or private real property with the intent to conduct surveillance. That bill enumerated situations in which it is lawful to capture imagery using an unmanned aircraft. This bill:

Adds the professional and academic use of an unmanned aircraft to the enumerated list of situations in which in it is legal to capture imagery with an unmanned aircraft provided that no individuals are identifiable in captured imagery.

Release of a Motor Vehicle Accident Report—H.B. 2633
by Representative Hernandez et al.—Senate Sponsor: Senator Perry

Under current law, a person can obtain a copy of an automobile accident report by providing certain information, such as the date and location of the accident. Interested parties contend that some attorneys are circumventing state barratry laws by making use of their access to motor vehicle accident reports to solicit potential clients who have been in motor vehicle accidents. A motor vehicle accident report not only contains general information about the accident, but also private information about the individuals involved, including personal addresses and telephone numbers. The parties have expressed concern that this often leads to direct harassment of crash victims and their families. This bill:

Provides that the information in certain written reports of an accident under the Transportation Code is privileged and confidential.

Requires that the Texas Department of Transportation (TxDOT) or governmental entity release such information to any person directly concerned in the accident or having a proper interest therein, including:

- any person involved in the accident;
- the authorized representative of such person;
- an employer, parent, or legal guardian of a driver involved in the accident;
- the owner of a vehicle or property damaged in the accident;
- a person who has established financial responsibility for a vehicle involved in the accident;
- an insurance company that issued an insurance policy covering a person or vehicle involved in the accident;
- a radio or television station that holds a license issued by the Federal Communications Commission;
- certain free newspapers; or
- any person who may sue because of death resulting from the accident.

Requires that TxDOT or the governmental entity that receives the information create a redacted accident report that does not contain certain specified personal information.

Confidentiality of Certain Property Tax Appraisal Photographs—S.B. 46

by Senator Zaffirini—House Sponsor: Representative Raymond

Currently, chief appraisers or their representatives can photograph a business establishment's interior without the consent of the establishment's owner. This invasion of privacy could lead to public dissemination of certain information placing business owners at great risk of trade secrets exposure, theft, and other crimes. Photographs displaying expensive inventory, security systems, and even family portraits could be used to perpetrate crimes if they fall into malicious hands.

It is uncertain legally whether photographs taken for appraising purposes are subject to open records requests. There is a pressing need for legal certainty regarding the availability of appraisal photographs to the general public via open records requests. This bill:

Provides that a photograph that is taken by the chief appraiser of an appraisal district or the chief appraiser's authorized representative for property tax appraisal purposes and that shows the interior of an improvement to property is confidential and not subject to disclosure under an open records request, unless the requestor had an ownership interest in the improvement to property shown in the photograph on the date the photograph was taken.

Provides that such a photograph may be used in the protest or appeal of a tax appraisal, but that the photograph remains confidential and may not be disclosed or used for any other purpose.

Deidentified Information—S.B. 1213

by Senator Kolkhorst—House Sponsor: Representative Oliveira

Many state entities collect data from their members, patients, users, and customers in the ordinary course of their duties that may be utilized to analyze consumer habits, health trends, and other statistical information and possibly be sold to private institutions or research companies. In order to maintain an individual's privacy, this data undergoes a process to scrub the data of any information that may be directly tied to an individual. The parties contend that, unfortunately, in many circumstances that process does not adequately protect individuals, as it can be relatively easy to "reidentify" the data and expose individuals' sensitive information. The state has a substantial interest in protecting its citizens' personal information. This bill:

Adds Chapter 506 (Reidentification of Deidentified Information) to Subtitle A, Title 11, Business and Commerce Code to make it a Class A misdemeanor for a person to reidentify or attempt to reidentify personal identifying information about an individual who is the subject of covered information or knowingly disclose or release covered information that was reidentified in violation.

Creates a private cause of action for any individual who is harmed by reidentified personal identifying information or the release of such information.

Interagency Data Transparency Commission—S.B. 1844

by Senator Zaffirini—House Sponsor: Representative Walle

Lack of data coordination and transparency across state agencies limits opportunities for informed decision making. Streamlining government and making it more efficient is critical to serving the needs of Texans. This bill:

Establishes the Interagency Data Transparency Commission to study and review the current public data structure, classification, sharing, and reporting protocols for state agencies and the possibility of collecting and posting data from state agencies online in an open source format that is machine-readable, exportable, and easily accessible by the public.

State Agency Data Use Agreement—S.B. 1877

by Senator Zaffirini—House Sponsor: Representative Galindo

Currently, nearly every state agency and employee uses some form of data usage agreement, which delineates the employee's duties and responsibilities regarding data access and usage. As cybersecurity threats evolve, data usage agreements change and incorporate new best practices that respond to the latest threats. Despite changes to the data user agreement, employees typically sign and review data agreements only once as part of the hiring process.

Recent studies in data management and cybersecurity revealed that understanding new requirements or simply refreshing existing ones has a positive effect on employee awareness of duties and responsibilities related to data access and use. The lack of a periodic renewal of data usage agreements means that employees who have worked in one position for a long time may not be aware of new or updated best

practices. S.B. 1877 directs the Department of Information Resources (DIR) to work with state agencies to create a minimum uniform standard data and technology user agreement. This bill:

Requires each state agency under Section 2054.134 (Data Use Agreement), Government Code, to develop a data use agreement for use by the agency that meets the particular needs of the agency and is consistent with rules adopted by DIR that relate to information security standards for state agencies.

Requires a state agency to update the data use agreement at least biennially, but provides that a state agency may update the agreement at any time as necessary to accommodate best practices in data management.

Requires a state agency to distribute the data use agreement developed under this section, and each update to that agreement, to employees of the agency who handle sensitive information, including financial, medical, personnel, or student data. Requires each employee to sign the data use agreement distributed and each update to the agreement.

Requires a state agency, to the extent possible, to provide employees who handle sensitive information with cybersecurity awareness training to coincide with distribution of the data use agreement required under this section and each biennial update to that agreement.

Feasibility Study on Implementing More Secure Access Requirements—S.B. 1878

by Senator Zaffirini—House Sponsor: Representative Elkins

At the state level, large strides have been made to secure personal and private information from external threats, but less concrete action has been done on the internal access side beyond simple password protection and broad user restrictions. Therefore, citizens' information is at undue risk. The implementation of a two-step authentication system would enhance greatly the security of sensitive information. The success of two-step authentication, however, heavily relies on a comprehensive Identity and Access Management (IAM) program. S.B. 1878 builds upon the findings from the 83rd Legislature, Interim Session, 2013, of the Senate Committee on Government Organization and the House Committee on Technology and directs DIR to conduct a thorough study establishing the goals and recommendations to the state regarding the statewide adoption of IAMs and two-step authentication systems. This bill:

Requires DIR to conduct a study to determine the feasibility of implementing new identification and access requirements for accessing certain information that is electronically stored by the state, including personal identifying information and sensitive personal information, as those terms are defined by the Business and Commerce Code.

Requires DIR, in conducting the study, to collaborate with other agencies to consider the needs or concerns specific to those agencies.

Requires that the study examine the relative costs and benefits of various forms of identification and access management, including multifactor authentication, and develop a strategy by which DIR may most effectively negotiate for bulk purchases across agencies at the lowest cost to the state.

Requires DIR to issue a written report to the governor, the lieutenant governor, and the speaker of the house of representatives that includes the evaluation of the available identification and access management and multifactor authentication systems and programs and provides recommendations regarding DIR action or legislation that will secure sensitive information held by the state.

Establishing Confidentiality for Certain State Agency Plans—H.B. 1832
by Representative Pickett—Senate Sponsor: Senator Larry Taylor

Texas state agencies are required to ensure the continuing performance of critical government functions under all conditions, including emergencies that disrupt normal operations. The State Office of Risk Management (SORM) is currently required to work with each state agency to develop an agency-level business continuity plan but concerns have been raised about the lack of confidentiality of such plans. This bill:

Establishes confidentiality of certain information related to the agency-level continuity plan that each state agency develops with SORM.

Establishing a State Agency Software Modernization Plan—H.B. 1890
by Representative Elkins—Senate Sponsor: Senator West

Software used by Texas state agencies is eventually deemed "legacy" once its publisher no longer offers support for that software product. Other software, or system components, may be deemed legacy once it becomes obsolete or no longer serves an agency's business need. Advocates of H.B. 1890 contend that Texas should adopt an efficient, comprehensive legacy modernization plan that facilitates standardization across agencies. This bill:

Requires the Department of Information Resources (DIR) to develop a legacy system modernization strategy in collaboration with state agencies.

Requires DIR to implement shared technology solutions for state agencies.

Establishing a Data Coordinator—H.B. 1912
by Representative Elkins—Senate Sponsor: Senator Zaffirini

Texas continues to produce and accumulate large quantities of data. Each state agency currently collects and manages customer data independently, which requires customers to provide duplicative data to each state agency with which they engage. Advocates argue that the data must be managed effectively to enhance its value and usefulness for decision-makers and the public. And furthermore, a lack of coordination between agencies allows greater opportunity for fraud. This bill:

Requires the executive director of the Department of Information Resources to employ a statewide data coordinator to develop and implement certain best practices.

Requires each state agency to cooperate with the data coordinator.

Purchasing Commodity Items Through DIR—H.B. 2000

by Representative Gutierrez—Senate Sponsor: Senator Watson

A wide spectrum of public entities use the Department of Information Resources (DIR) for their purchases of various information technology products and services, including commercial software, hardware, and technology services. Interested parties contend that additional entities would benefit from DIR's ability to negotiate best values with vendors. This bill:

Authorizes the following entities to purchase commodity items through DIR: the Electric Reliability Council of Texas; the Lower Colorado River Authority; certain private schools and private institutions of higher education; and volunteer fire departments.

State Office of Administrative Hearings—H.B. 2154

by Representative Dutton—Senate Sponsor: Senator Birdwell

The State Office of Administrative Hearings (SOAH), established in 1991, serves as the state's independent centralized administrative hearing tribunal, conducting unbiased contested case hearings and alternative dispute resolution proceedings for 62 state agencies and local political subdivisions. SOAH is subject to review under the Texas Sunset Act in 2015, but is not subject to abolishment. The Sunset Advisory Commission (Sunset) found that SOAH provides a needed and independent venue for contested matters and produces quality and timely decisions, but needs further independence, more stable funding, and improvement in its management of staff and diverse caseload.

Sunset is also required to conduct a separate special purpose review of SOAH's tax division, which will be abolished and revert to the comptroller of public accounts of the State of Texas (comptroller) on September 1, 2015, unless continued by the legislature. Sunset determined that tax hearings should continue at SOAH, but found that several safeguards initially put in place when the transfer occurred are now problematic and should be removed to ensure SOAH's independence. This bill:

Authorizes an administrative law judge in making a finding that a party to a contested case has defaulted under SOAH rules to dismiss the case and remand it to the referring agency for informal disposition. Provides that this does not apply to a contested case in which the administrative law judge is authorized to render a final decision.

Authorizes the agency to which the case is remanded to informally dispose of the case by its own rules or SOAH's procedural rules relating to default proceedings.

Provides that SOAH will be subject to Sunset review in 2027 and every twelfth year thereafter.

Requires certain state agencies referring matters to SOAH to enter into an interagency contract for the biennium under which the referring agency pays SOAH either a lump-sum amount at the start of each fiscal year of the biennium or a fixed amount at the start of each fiscal quarter of the biennium for all services provided to the agency.

Requires SOAH report to the Legislative Budget Board any agency that fails to make a timely payment under the contract.

Requires that the lump-sum or quarterly amount paid to SOAH must sufficiently cover SOAH's full costs in providing services to the agency, including certain costs.

Requires SOAH, for such contract under which a quarterly amount is paid by the referring agency to the office, to:

- track the agency's actual hourly usage of SOAH's services during each fiscal quarter; and
- forecast, after each fiscal quarter, the agency's anticipated hourly usage for the rest of the fiscal year.

Requires certain state agencies that have entered into a contract with SOAH for the conduct of hearings and alternative dispute resolution procedures to submit to SOAH and the LBB information regarding the agency's anticipated hourly usage of the office's services for each fiscal year of that biennium on a date determined by SOAH before the beginning of each state fiscal biennium.

Changes references to Texas Natural Resource Conservation Commission to the Texas Commission on Environmental Quality (TCEQ).

Strikes provisions requiring SOAH to establish a natural resource conservation division to perform contested case hearings for TCEQ, instead providing that SOAH must conduct such hearings.

Strikes provisions requiring SOAH to establish a utility division to perform contested case hearings for the Public Utility Commission of Texas, instead providing that SOAH must conduct such hearings.

Strikes provisions requiring SOAH to establish a tax division to conduct hearings relating to contested cases involving the collection, receipt, administration, and enforcement of taxes, fees, and other amounts, instead providing that SOAH must conduct such hearings.

Strikes the requirement that an administrative law judge, to be eligible to preside at a tax hearing, must have devoted at least 75 percent of the person's legal practice to Texas state tax law in at least five of the past 10 years before the date on which the person begins employment in the tax division.

Requires a referring state agency, if SOAH issues a proposal for decision in a matter referred to the office by the agency, to send to SOAH an electronic copy of the agency's final decision or order in the matter.

Requires the Department of Public Safety of the State of Texas (DPS) and the chief administrative law judge of SOAH to adopt and at least biennially update a memorandum of understanding (MOU) establishing that SOAH has primary scheduling responsibility for a hearing regarding certain driver's license suspensions.

Sets forth what the MOU must include, including the transfer of certain funds from DPS to SOAH when SOAH assumes responsibility for the initial scheduling of such hearings.

Requires SOAH and DPS to consult with the Department of Information Resources and the Office of Court Administration of the Texas Judicial System in developing any information technology solutions needed to complete the transfer of scheduling responsibilities outlined in the MOU.

Strikes the provision capping the hourly rate that SOAH is authorized to charge the Texas Railroad Commission at not more than $90 per hour.

Training and Education for State Agency Employees—H.B. 3337

by Representatives Clardy and Raymond—Senate Sponsor: Senator Nelson

H.B. 3337 clarifies that a state agency may only pay for tuition reimbursement for an agency employee or administrator who requests reimbursement for a program course that has been successfully completed by that employee or administrator. This bill also requires a state agency to adopt rules that require the executive head of the agency to authorize a tuition reimbursement payment before an agency employee or administrator may be reimbursed for tuition expenses. This bill:

Amends Section 656.043 (Definition), Government Code, to redefine "state agency."

Authorizes a state agency, under Section 656.047 (Payment of Program Expenses), Government Code, to spend public funds as appropriate to pay the salary, tuition and other fees, travel and living expenses, training stipend, expense of training materials, and other necessary expenses of an instructor, student, or other participant in a training or education program.

Authorizes the agency, for an administrator or employee of a state agency who seeks reimbursement for a training or education program offered by an institution of higher education or private or independent institution of higher education as defined by Section 61.003 (Definitions), Education Code, to only pay the tuition expenses for a program course successfully completed by the administrator or employee at an accredited institution of higher education.

Requires a state agency to adopt rules requiring that the executive head of the agency authorize the tuition reimbursement payment before an administrator or employee of the agency may be reimbursed under Section 656.047 (Payment of Program Expenses), Government Code.

Defines "state agency" and redefines "state employee" in Section 656.101 (Definitions), Government Code.

Cooperative Purchasing Agreements—H.B. 3342

by Representative Kuempel—Senate Sponsor: Senator Eltife

Current law provides for the use of cooperative purchasing contracts for the benefit of state agencies. Advocates contend that clarifying current practices and centralizing functions in the Office of the Comptroller of Public Accounts of the State of Texas (comptroller's office) would improve the process. This bill:

Clarifies the authority of the comptroller's office to enter into interstate compacts and cooperative agreements for state purchasing.

Defining Cloud Computing Service—H.B. 3707

by Representative Larry Gonzales—Senate Sponsor: Senator Perry

Although the current law authorizing a state agency to consider advanced Internet-based computing service options when making purchases for a major information resources project was originally intended to refer to cloud computing, interested parties contend that the term is not sufficiently clear. This bill:

Defines "cloud computing service" and substitutes that term for "advanced Internet-based computing service" in statutory provisions relating to the purchase of an automated information system by a state agency.

State Agency Governing Officers and Board Members—H.B. 3736 [VETOED]

by Representatives Sarah Davis and Fallon—Senate Sponsor: Senator Huffman

Chapter 572 of the Government Code prohibits state officers or state employees from having a direct or indirect interest, including financial interest, or engaging in a business transaction or professional activity, that is in substantial conflict with the officer's or employee's public duties. These conflict-of-interest laws are not currently extended to governing officers and state agency governing board members. This bill:

Increases disclosure requirements for filers of personal financial statements.

Authorizes a person who files a personal financial statement to amend the statement.

Provides that a financial statement that is amended before the eighth day after the date the original statement was filed is considered to have been filed on the date on which the original statement was filed.

Adds Chapter 576 (Conflict of Interest by State Agency Governing Board Member or Officer), to the Government Code:

- Defines "conflict of interest" as the conflict between an official decision made by a state agency governing board member or governing officer in the individual's official capacity and the individual's private financial interest in which the individual realizes any pecuniary gain, if the pecuniary gain accrued to the individual as a member of a class of persons to a greater extent than any other member of the class.
- Defines "financial interest" as the ownership or control, directly or indirectly, of an ownership interest of at least five percent or an ownership interest that an individual could reasonably foresee could result in any financial benefit to the individual. The term does not include an interest in a retirement plan, a blind trust, insurance coverage, or capital gains.
- Requires an individual, in each matter before the governing board of a state agency or, if the agency is not governed by a multimember governing board, the officer who governs the agency, for which a member of the board or officer, as applicable, has a conflict of interest:
  - to disclose in writing the conflict of interest to the agency; and
  - not participate in the decision on the matter.
- Provides that if a majority of the members of the governing board of a state agency has a conflict of interest related to a matter before the board, or if the officer who governs the agency has a conflict of interest on the matter, the board or officer may decide the matter only if:

  - each member or the officer, as applicable, who has a conflict of interest discloses in writing the conflict of interest to the agency; and
  - the board or officer makes a finding that an emergency exists that requires a decision on the matter despite the conflict of interest.
- Provides that the duty to disclose a conflict of interest and refrain from participation in the decision on a matter for a member of the governing board of an institution of higher education is governed by the Education Code.
- Provides that a written disclosure made is public information.
- Requires a state agency that receives a written disclosure to file a copy of the disclosure with the Texas Ethics Commission (TEC).
- Authorizes TEC to adopt rules to implement this chapter.
- Makes it a Class B misdemeanor for an individual to knowingly fail to comply with this chapter.
- Provides that this chapter does not apply to the consideration of, or a vote to adopt, a proposed rule.

State Agency Contracting—S.B. 20

by Senator Nelson et al.—House Sponsor: Representative Price et al.

The recent contract issues discovered at the Health and Human Services Commission (HHSC) revealed fundamental flaws in the state contract procurement process. S.B. 20 prevents state agencies from entering contracts that include a variety of conflicts of interest and requires a state agency to: post contract information on its public website; engage in contract procurement training, especially ethics training; review and report vendor performance to the Comptroller of Public Accounts of the State of Texas (comptroller); develop and comply with a risk analysis procedure; and follow a purchasing schedule for commodities over a certain value. This bill:

Requires the state auditor, under Section 321.013 (Powers and Duties of State Auditor), Government Code, to consider the performance of audits on contracts entered into by the Health and Human Services Commission that exceed $100 million in annual value. Requires the State Auditor to collaborate with the financial managers in the Medicaid/CHIP Division of the commission in performing an audit described by the conditions set forth.

Adds Section 403.03057 (Centralized State Purchasing Study), Government Code, to require the comptroller, in cooperation with the governor's budget and policy staff, to conduct a study examining the feasibility and practicality of consolidating state purchasing functions into fewer state agencies or one state agency. Requires that the study examine abolishing offices or departments of state agencies that have a dedicated office or department for purchasing and consolidating or reducing the number of vendors authorized to contract with this state to allow this state to better leverage its purchasing power. Requires the comptroller to deliver to the governor, the lieutenant governor, and each member of the legislature a report on the findings of the study.

Adds Section 441.1855 (Retention of Contract and Related Documents by State Agencies), Government Code, to require a state agency to retain in its records each contract entered into by the state agency and all contract solicitation documents related to the contract.

Adds Section 572.069 (Certain Employment for Former State Officer or Employee Restricted), Government Code, to prohibit a former state officer or employee of a state agency who, during the period of state service or employment, participated on behalf of a state agency in a procurement or contract negotiation from accepting employment from that private vendor for a period of two years.

Adds Section 2054.067 (Posting of Certain Documents Relating to Contract Solicitations), Government Code, to require the posting of all solicitation documents related to a contract.

Amends Section 2101.035 (Administration of USAS), Government Code, to require state agencies to report contract and purchasing information in the uniform manner required by the comptroller.

Adds Section 2101.041 (State Agency Reporting of Contracting Information), Government Code, to require the comptroller to determine the contracting information that state agencies must report or provide using the centralized accounting and payroll system, or any successor system used to implement the enterprise resource planning component of the uniform statewide accounting project. Requires the comptroller to consider requiring a state agency to report information set forth.

Adds Section 2155.0755 (Verification of Use of Best Value Standard), Government Code, to require the contract manager or procurement director of each state agency to use the best value standard according to the conditions set forth.

Authorizes the comptroller to bar a vendor from participating in state contracts if two or more contracts between the vendor and the state have been terminated by the state for unsatisfactory performance.

Amends Section 2155.078 (Training and Certification of State Agency Purchasing Personnel and Vendors), Government Code, to require the Texas Ethics Commission to provide training and continuing education for state agency purchasing personnel that includes ethics training.

Adds Section 2155.089 (Reporting Vendor Performance), Government Code, to require each state agency to report vendor performance for each completed contract.

Amends the conditions under Section 2157.068 (Purchase of Information Technology Commodity Items), Government Code, that allow a state agency to purchase a commodity item using a vendor list, depending upon the value of the contract. Requires the state agency to develop and execute a statement of work to initiate services under such a contract.

Adds Section 2261.251 (Applicability of Subchapter), Government Code, to apply certain conditions set forth to the Texas Department of Transportation and to an institution of higher education when acquiring goods or services. Exempts the Employees Retirement System of Texas and the Teacher Retirement System of Texas from the conditions except for a contract with a nongovernmental entity for claims administration of a group health benefit plan.

Adds Section 2261.252 (Disclosure of Potential Conflicts of Interest; Certain Contracts Prohibited), Government Code, to require each state agency employee or official who is involved in procurement or in contract management for a state agency to disclose to the agency any potential conflict of interest specified by state law or agency policy that is known by the employee or official with respect to any contract with a

private vendor or bid for the purchase of goods or services from a private vendor by the agency. Prohibits a state agency from entering contracts due to conflicts of interest as set forth in this section.

Adds Section 2261.253 (Required Posting of Certain Contracts; Enhanced Contract and Performance Maintenance), Government Code, to require each state agency to post on its Internet website certain contracts as described in the provisions set forth.

Adds Section 2261.254 (Contracts with Value Exceeding $1 Million), Government Code, to require state agencies to develop and implement contract reporting information set forth in this section for each contract for the purchase of goods and services that exceeds $1 million.

Adds Section 2261.255 (Contracts with Value Exceeding $5 Million), Government Code, to require state agencies to follow certain procedures set forth in this section for each contract that exceeds $5 million.

Adds Section 2261.256 (Accountability and Risk Analysis Procedure; Contract Management Handbook), Government Code, to require each state agency to comply with a purchase accountability and risk analysis procedure as set forth in this section.

Adds Section 2261.257 (Contract Database), Government Code, to require each state agency that is or becomes a participant in the centralized accounting and payroll systems to identify and record each contract entered into by the agency.

Adds Section 51.9337 (Purchasing Authority Conditional; Required Standards), Education Code, to require an institution of higher education to follow certain procedures set forth in order to exercise acquisition authority.

Electronic Processes of the Texas Alcoholic Beverage Commission—S.B. 700

by Senator Eltife—House Sponsor: Representative Smith

Under current law, the Texas Alcoholic Beverage Commission (TABC) is required to authorize electronic processing of licenses and permits. While online processing of original and renewal applications is currently available for many alcoholic beverage licenses and permits, certain documentation still requires a notarized signature, rather than an electronic signature. This bill:

Provides that any electronic information, record, or other document, including an application, submitted to TABC that has an electronic signature with the required specific identifiers of the signatory has the same force and effect as a manual signature before a notary public and is considered a sworn statement for purposes of Section 101.69 (False Statement), Alcoholic Beverage Code, notwithstanding any other law.

Includes certificates in the types of documents that TABC is required expedite the processing of by using electronic means.

Facilities Management for TSBVI and TSD—S.B. 836

by Senator Watson—House Sponsor: Representatives Eddie Rodriguez and Naishtat

The Texas School for the Blind and Visually Impaired (TSBVI) is a center for educational services for all blind and visually impaired students in Texas. The Texas School for the Deaf (TSD) is established as a state agency to provide a continuum of direct educational services to students who are deaf or hard of hearing and who may have multiple disabilities.

During the 83rd Legislature, responsibility for facilities-related maintenance and operations for both agencies was transferred to the Texas Facilities Commission (TFC), with certain limited exceptions. The schools each retained the title to their property and, on September 1, 2013, TFC began to provide all maintenance services at each campus excluding custodial, security, and grounds maintenance.

Due to the essential interrelationship between custodial, grounds maintenance, and security in an effective and integrated facilities management plan, it is necessary for one agency to perform all facilities-related maintenance activities to ensure the efficient and consistent delivery of quality services. Each facilities management program area has unique challenges that require open communication and a closely coordinated approach to problem solving. Custodial services are very important to the overall cleanliness of the facility and proper housekeeping will extend the life of the building finishes, fixtures, and mechanical equipment. Custodial, grounds maintenance, and pest control services go hand-in-hand and require coordination to prevent or identify early indications of infestation and eradicate pests, such as common insects, bed bugs, and rodents. Security must work closely with facilities maintenance and fire controls management to ensure effective coordination of access and fire control issues, proper functioning and oversight of automated systems, and any needed support for activities such as fire drills and fire watches. Consolidated oversight and quality control is necessary to ensure that custodial, grounds maintenance, and security activities function effectively as an integral part of the facilities management team. This bill:

Requires TFC to provide all facilities maintenance services for the physical facilities of the TSBVI and the TSD. Transfers all powers, duties, functions, contracts and property relating to the maintenance of the physical facilities of TSBVI and TSD to TFC.

Requires both schools to enter into a memorandum of understanding with TFC that establishes a plan for the identification and transfer of the records, personnel, property, and unspent appropriations that are used for purposes of TFC's powers and duties directly related to the maintenance of the schools' physical facilities.

Texas Appraiser Licensing and Certification Board—S.B. 1007

by Senator Eltife—House Sponsor: Representative Kuempel

Chapter 1103 (Texas Appraiser Licensing and Certification Act), Occupations Code, establishes the Texas Appraiser Licensing and Certification Board (TALCB) as an independent division of the Texas Real Estate Commission (TREC). By rule, the board regulates real estate appraiser certificates and licenses, continuing education, and professional conduct. TALCB shares staff members and resources with TREC to oversee real property appraisals and inspections in Texas.

Chapter 1103 is in need of cleanup to make changes to the structure of TALCB and its functions; update continuing education requirements, board terms, and advisory committee composition; and clarify existing law regarding dedicated funds to ensure that TALCB has the tools needed to comply with federal oversight requirements. This bill:

Extends member appointments to TALCB to six-year terms from two-year terms. Provides that the executive committee is composed of the governor-appointed presiding officer, assistant presiding officer, and secretary. Requires new members of TALCB to complete an initial training program before participating in certain TALCB activities.

Increases the frequency with which TALCB is required to send a roster of persons certified or licensed under the Texas Appraiser Licensing and Certification Act to the Appraisal Subcommittee of the Federal Financial Institutions Examination Council from at least annually to at least weekly.

Authorizes TALCB members and staff to give presentations to real estate license holders and award continuing education credit for such presentations. Prohibits TALCB members and staff from being compensated for such presentations.

Modifies TALCB's rulemaking authority to include the establishment of continuing education requirements and requirements for approval of continuing education providers, courses, and instructors.

Expands the membership of the Appraisal Management Company Advisory Committee, which provides recommendations to TALCB regarding regulation of appraisal management companies, from three people to five people.

Increases the number of appointees named by the governor to four from two, including an additional member designated as a controlling person of a registered appraisal management company, and an additional public member with recognized business ability.

Replaces the current eligibility requirements for a real estate appraisal license with an application process for a real estate appraiser certificate or license or for renewal of a certificate or license.

Requires an applicant to disclose whether the applicant has been convicted of a felony or entered a guilty plea, regardless of whether a court order granted community supervision. Authorizes TALCB, by rule, to require an applicant to submit a complete and legible set of fingerprints on a form prescribed by TALCB to either TALCB or to the Department of Public Safety of the State of Texas (DPS) for the purpose of obtaining criminal history record information from DPS or the Federal Bureau of Investigation.

Provides instructions for conducting a criminal history check and authorizes TALCB to enter into an agreement with DPS or other federally authorized entity to administer a required criminal history check. Authorizes DPS or other federally authorized entity to collect from each applicant the costs incurred in conducting the criminal history check.

Requires an applicant for the examination to fulfill the applicable experience requirement for a certificate or license before taking the examination.

Establishes a four-year statute of limitations for a complaint investigation against a real estate appraiser. Requires TALCB or the commissioner of TALCB to dismiss the complaint and not take further action if TALCB determines that an allegation or formal complaint is inappropriate or without merit.

Changes the composition of the peer investigative committee, which reviews and determines the facts of a complaint and prepares a report regarding the complaint to TALCB, from three certified or licensed appraisers to two or more. Authorizes a real estate appraiser who is the subject of a complaint to participate in a voluntary discussion of the facts and circumstances of the alleged violation.

Prohibits a TALCB member who participates in negotiating a consent order from participating in the adjudication of a contested case that results from the negotiation. Provides that an appraiser may be disciplined, rather than prosecuted, for failure to comply with a consent agreement.

Provides that TALCB's investigative files may remain confidential during an ongoing investigation, but are subject to the Public Information Act once the investigation is complete and any final action is taken.

Authorizes an administrative law judge to award reasonable costs to TALCB if the real estate appraiser who was the subject of a complaint failed to appear for a hearing to contest the alleged violation.

Dedicates administrative penalties imposed by TALCB for violations to a restricted fund for educational programs or studies.

Expands the two-year waiting period currently applied to a reapplication after license revocation or a license surrender to also apply to a denial of a license after the opportunity for a contested case hearing.

Grants TALCB cease-and-desist authority over a person engaged in unlicensed activity after providing notice and an opportunity for a hearing.

Includes an appraiser trainee as an occupation for which the board is authorized to adopt certain rules regarding professional conduct.

Authorizes certified real estate appraisers to conduct reviews of appraisal reports on Texas properties without Texas credentials as long as no opinion of value is offered.

Adds TALCB to the sunset review schedule for 2019.

Reporting Requirements of State Agencies—S.B. 1455

by Senator Zaffirini—House Sponsor: Representatives Elkins and Galindo

The Texas State Library and Archives Commission, after conducting an extensive review of the reporting requirements of state agencies and institutions of higher education, has made recommendations in the interest of streamlining such requirements. Additional related recommendations have been received by the Senate Committee on Government Organization of the 83rd Legislature as part of its interim charge regarding state agency reporting.

The State of Texas should ensure that its limited resources are being committed to current priorities, rather than to reporting requirements that no longer serve their intended purpose or are redundant of other reporting requirements. Repealing obsolete or duplicative reporting requirements, changing the frequency of some reports, and redirecting some reports to relevant recipients would achieve that goal. This bill:

Amends the Education Code, Government Code, Health and Safety Code, and Tax Code to modify or eliminate certain required reports and other documents prepared by state agencies and institutions of higher education.

Clarifies the Legislative Budget Board's procedure for evaluating and approving state agency biennial operating plans and amendments.

Requiring Candidate for Certain Public Elective Offices be a Registered Voter—H.B. 484
by Representative Capriglione et al.—Senate Sponsor: Senator Hancock

Interested parties state that those seeking elected office should be active participants in the electoral process, such as by registering to vote. This bill:

Requires that a candidate for, or a person elected or appointed to, a public elective office in Texas to be registered to vote in the territory from which the office is elected.

Sets forth the dates by which certain specified candidates must be registered voters.

Exempts an office for which the federal or state constitution prescribes exclusive qualification requirements and certain special districts.

Termination of Volunteer Deputy Registrar Appointment—H.B. 621
by Representatives Lozano and James White—Senate Sponsor: Senator Burton

Under current law, a county voter registrar (registrar) may terminate a volunteer deputy registrar (VDR) only under limited circumstances for a failure to perform a specific duty. Interested parties contend that giving the voter registrar more discretion regarding whether to terminate a VDR will result in greater efficiency in voter registration. This bill:

Amends the statutory certificate of appointment for a VDR to include a statement that the appointment may terminate on the registrar's determination that the person intentionally destroyed or physically altered a registration application or engaged in any other activity that conflicts with the responsibilities of a VDR.

Authorizes a registrar to terminate the appointment of a VDR on a determination by the registrar that the VDR intentionally destroyed or physically altered a registration application or engaged in any other activity that conflicts with the responsibilities of a VDR.

Appointment of Tabulation Supervisor in an Election—H.B. 1026
by Representative Ed Thompson—Senate Sponsor: Senator Garcia

Current law requires tabulation supervisors at a central counting station to be registered voters of the political subdivision holding the election. This restriction was established when most entities conducted separate elections. Many political subdivisions within a county now contract with the county to conduct their elections. This means that county employees trained in operation of the voting system are prohibited from serving as tabulation supervisors unless they happen to be a resident of the contracting political subdivision. The tabulation supervisor is a technical position that requires training in the operation of the tabulating equipment used during an election. Experienced personnel are needed to ensure that the election process runs smoothly and securely. This bill:

Provides that to be eligible for appointment as a tabulation supervisor, a person must be a registered voter of the political subdivision served by the authority establishing the counting station or an employee of the political subdivision that adopts or owns the voting system.

Requiring Certain Political Committees to File Reports With TEC—H.B. 1114

by Representative Larry Gonzales—Senate Sponsor: Senator Bettencourt

Under current law, reports of political contributions and expenditures for a school bond election by certain specific-purpose political committees created to support or oppose the measure are filed with the school district. Interested parties suggest that these reports should be filed with the Texas Ethics Commission (TEC), which would allow these reports to be published sooner and made more readily available. This bill:

Amends the Election Code to require a specific-purpose political committee created to support or oppose a measure on the issuance of bonds by a school district to file reports of political contributions and expenditures with TEC.

Application to Vote Early by Mail in More Than One Election—H.B. 1927

by Representative Greg Bonnen et al.—Senate Sponsor: Senators Huffman and Zaffirini

After each election cycle, new situations arise that need to be addressed in state election laws to allow local jurisdictions more flexibility and direction in the election process. Recently, there have been issues relating to the implementation and application of providing eligible voters with a ballot by mail. Currently, political subdivisions that do not contract with a county to administer elections are not required to produce a ballot by mail. Some persons eligible to vote by mail expect to receive a ballot by mail for each election in which they qualify to participate. However, in some cases, these ballots are not delivered by mail. This bill:

Provides that if an application for a ballot by mail for the main election and any resulting runoff is not timely for the main election, it will be considered timely for any resulting runoff if received not later than the deadline, determined using the date of the runoff election, for submitting a regular application for a ballot to be voted by mail

Makes it an offense if the person signs an application for:

- a ballot to be voted by mail as a witness for more than one applicant in the same election; or
- annual ballots by mail as a witness for more than one applicant in the same calendar year.

Provides that an application may be submitted to the early voting clerk by the electronic transmission of a scanned application containing an original signature.

Provides that an application, except as otherwise provided, may be submitted at any time in the year of the election for which a ballot is requested, but before a specified deadline.

Requires the early voting clerk to designate an e-mail address for receipt of an application and to include the e-mail addresses on the Texas secretary of state (SOS) website.

Requires that the officially prescribed application form for an early voting ballot must include a space for an applicant applying on the ground of age or disability to indicate if the application is an application under Section 86.0015 (Annual Ballots by Mail), Election Code.

Provides that the cancellation of an application for a ballot to be voted by mail is effective for a single ballot only and does not cancel the application with respect to a subsequent election, including a subsequent election to which the same application applies.

Amends the heading for Section 86.0015 to read "Annual Ballots by Mail," rather than "Applying for More Than One Election in Same Application" and:

- Provides that this section applies to an application for a ballot to be voted by mail that has been marked by the applicant as an application for more than one election.
- Provides that an application described by this section is considered to be an application for a ballot for each election, including any ensuing runoff, that that occurs before the earlier of:
    - the end of the calendar year in which the application was submitted;
    - the date the county clerk receives notice from the voter registrar that the voter has changed residence to another county; or
    - the date the voter's registration is canceled.
- Sets forth the deadline for submitting an application under this section.
- Sets forth when an application is considered to be submitted in the following calendar year for purposes of this section.
- Requires the county clerk, in an election of a political subdivision located in a county in which the county clerk is not the early voting clerk, to provide the early voting clerk of the political subdivision that is holding the election a list of voters in the portion of the political subdivision located in the county who have ballot applications on file under this section.
- Requires the early voting clerk to provide a ballot to be voted by mail to each voter on the list.
- Requires SOS to provide a method by which counties and political subdivisions located in the county can exchange information on applications received under this section.
- Requires the voter registrar to notify the county clerk when a voter's voter registration has been canceled or a voter's address or name has changed.
- Requires the county clerk to update any list of voters who have ballot applications on file under this section based on the information received from the voter registrar.
- Provides that a voter's ballot application on file under this section may not be canceled if a correction in registration information for the voter is a change of address within the county in which the voter is registered or a change of the voter's name.

Provides that a marked ballot may be returned to the early voting clerk by in-person delivery by the voter who voted the ballot only while the polls are open on election day.

Requires the voter who delivers a marked ballot in person to present an acceptable form of identification.

Requires SOS to make the modifications to the official application form for a ballot to be voted early by mail, not later than January 1, 2016.

Establishing Precincts for Elections Held on a Uniform Election Date—H.B. 2027

by Representative Bonnen et al.—Senate Sponsor: Senator Hancock

Some interested parties have expressed concern that political subdivisions holding elections on uniform election dates in both May and November may engage in "rolling polling," in which the electronic voting

machines are moved to various polls in order to target specific voters. These parties state that requiring the use of the regular county precincts as election precincts and the regular county polling places as election polling places will eliminate this practice. This bill:

Provides that the county election precincts are the election precincts for any election held by a political subdivision on a uniform election date.

Exempts an election held on the May uniform election date by a political subdivision that:

- conducts early voting by personal appearance:
  - at 75 percent or more of its permanent or temporary branch polling places on the same days and during the same hours as voting is conducted at the main early voting polling place; and
  - at each remaining polling place for at least two consecutive days of voting during the early voting period, and for at least eight hours on each of the two consecutive days; or
- has not established a permanent or temporary branch early voting polling place.

Voter Information Provided to the Secretary of State—H.B. 2050

by Representative Eddie Rodriguez—Senate Sponsor: Senator Zaffirini

Under current law, not later than the 30th day after the date of a primary, runoff, general election, or special election ordered by the governor, the county voter registrar must electronically submit to the Secretary of State (SOS) a record of each participating voter. Many Texas counties include in this information whether a person voted on election day, voted early by personal appearance, voted early by mail, or voted early by mail as a federal postcard applicant. However, a minority of counties do not provide this information. This means that a person who wants accurate voting histories for that county must file an open records request, which can be time-consuming and inefficient. This bill:

Requires that the record of each voter participating in the election transmitted to SOS include whether the voter voted on election day, voted early by personal appearance, or voted early by mail.

Confidentiality of Election Judges' and Clerks' Contact Information—H.B. 2160

by Representative Paul—Senate Sponsor: Senator Bettencourt

The authorities responsible for conducting elections find it difficult to recruit volunteer county election judges and clerks because these potential volunteers are concerned that their personal information may be considered public information under Chapter 552 (Public Information), Government Code. This bill:

Provides that an e-mail address or personal phone number of an election judge or clerk collected or maintained by the authority conducting the election is confidential and does not constitute public information under Chapter 552.

Requires that such e-mail address or phone number be made available on request to certain entities eligible to submit lists of election judges or clerks for that election.

Changing the May Uniform Election Date—H.B. 2354

by Representatives Farney and Keffer—Senate Sponsor: Senator Schwertner

The recent rescheduling of national and state political party conventions poses a problem for attendees of the state convention, as some attendees are also volunteers for municipal elections held on the same weekend as the state convention. Given the size of the state convention and the planning needed for it, the convention date and venue would have to be scheduled many years in advance to avoid this conflict. This bill:

Changes the statutory May uniform election date from the second to the first Saturday in May.

Notation on the Precinct List of Early Voting Voters—H.B. 2366

by Representative Goodman—Senate Sponsor: Senator Hancock

Current law requires an election officer of a particular precinct to compose a list of registered voters and a second list of early voters, with instructions to mark the early voters on the registered voter list before the polls open. The election officer must then deliver this list to the presiding judge of the election no later than the day before election day. If these procedures are not carried out timely and properly, it could create an opportunity for someone who voted early to also vote a second time on election day. This bill:

Requires the early voting clerk to:

- enter "early voting voter" beside the name of each person on the precinct list of registered voters whose name appears on the list of early voting voters; and
- to deliver the precinct list to the presiding judge of the election precinct not later than the day before election day.

Repeals a provision of the Election Code requiring an election officer to enter "early voting voter" beside the name of each person on the list of registered voters whose name appears on the precinct early voting list furnished by the early voting clerk.

Appointment and Duties of Election Officers—H.B. 2381 [VETOED]

by Representative Reynolds—Senate Sponsor: Senator Rodríguez

Currently, there is nothing in the Election Code that specifies how election day judges should be appointed in counties that are using countywide poll locations. The absence of a codified procedure has led to inconsistency across counties. This bill:

Requires the county chair of a political party whose candidate for governor received the highest or second highest number of votes in the county in the most recent gubernatorial general election to submit a written list of persons who are eligible for appointment as an election judge to the county clerk, rather than to the commissioners court.

Requires the county clerk to prepare for the commissioners court a list of persons whose names were submitted by the county chairs and who are eligible to serve as election judges.

Requires that judges of certain countywide polling places be appointed from the persons whose names were submitted for appointment by the county chairs in a manner that provides equitable representation, except that:

- the commissioners court and county clerk are not required to make the appointments based on specific polling locations;
- a judge is not required to serve in a polling place located in the precinct in which the judge resides, and:
- more than one presiding judge or alternate presiding judge may be selected from the same precinct to serve in polling places not located in the precinct in which the judges reside.

Authorizes the county clerk to:

- submit, and the commissioners court to preapprove, the appointment of more presiding judges or alternate presiding judges than necessary to fill available positions; and
- select an individual whose appointment was preapproved to fill a vacancy in a position that was held by an individual from the same political party.

Provides that these provisions do not preclude a county clerk from placing an election officer at a countywide polling place based on the need for services at that location.

Strikes the requirement that the appointment of judges by the county chair of a political party be with the approval of the county executive committee.

Authorizes such county chair to fill any vacancy that occurs in the position of presiding judge or alternate presiding judge.

Requires the county clerk, after the commissioners court appoints a presiding election judge and an alternate presiding judge, to provide to the county chair of each political party that submitted names for appointment a written appointment list that includes each appointed judge's name, residence precinct, appointment location, address, and any available contact information.

Provides that an election judge, early voting clerk, or deputy early voting clerk in charge of an early voting polling place is entitled to compensation for attending the training program at an hourly rate fixed by the appropriate authority, rather than a rate not to exceed $7.

Requires the early voting clerk to select election officers for a primary election, except for certain joint primary elections, for the main early voting polling place and any branch polling place in the manner provided for the county clerk to select officers from the appropriate political party, except that the early voting clerk must adhere to the deadline by which county chairs must submit names of persons eligible to serve as election officers.

Public Notice of Time for Voting During an Early Voting Period—H.B. 2721

by Representative Blanco—Senate Sponsor: Senator Rodríguez

Early voting standards, locations, and times differ across counties in Texas. Additionally, some counties do not maintain websites, so that the locations and times for early voting may not be readily available to

voters. Interested parties contend that posting these locations on the Texas secretary of state's (SOS) website will make voting information more accessible to the voting public. This bill:

Requires that any notice required under Section 85.007 (Public Notice of Time for Voting) Election Code, must also be posted:

- on the Internet website of the authority ordering the election, if the authority maintains a website; and
- for a primary election or general election, by SOS on its Internet website.

Requires that the authority ordering an election forward its election notice to SOS in a manner that affords SOS time to comply with the posting requirement.

Petition Filed With Application for Place on Ballot—H.B. 2775 [VETOED]
by Representative Eddie Rodriguez—Senate Sponsor: Senator Zaffirini

Case law and recent court rulings regarding the filing and petition process for a candidate's place on the ballot should be incorporated into statute to avoid confusion and to ensure that candidates and affected eligible voters alike are able to easily find all applicable requirements of a petition and the petition process. This bill:

Provides that a single notarized affidavit by any person who obtained signatures is valid for all signatures gathered by the person if the date of notarization is on or after the date of the last signature obtained by the person.

Provides that a petition may be corrected and additional signatures presented to the appropriate authority after it has been initially filed, but not after the deadline for filing the petition.

E-Mailing of Balloting Materials for All Elections—H.B. 2778
by Representative Elkins—Senate Sponsor: Senator Bettencourt

Federal postcard applicant voters may send in an application for a ballot by e-mail and receive a ballot by e-mail, which is then marked, printed out, and mailed back to the early voting clerk. However, for local or state elections, the voter can only receive the ballot by mail. Some contend that this discourages participation in local elections because the process is not consistent and not as accessible to voters. This bill:

Provides that balloting materials may be sent by e-mail for any election in which the voter is eligible to vote.

Strikes provisions limiting e-mail transmission of balloting to federal elections, certain elections to fill a vacancy in the legislature, and elections held jointly with such elections.

Compliance with Federal Voting System Standards—H.B. 2900
by Representative Goldman—Senate Sponsor: Senator Creighton

When many of Texas' election statutes were adopted, the Federal Elections Commission was the United States agency charged with overseeing voting systems. In 2002, the Election Assistance Commission replaced the Elections Commission. Texas statute still refers to the Elections Commission. This bill:

Amends the Election Code to require that voting systems comply with the voting system standards adopted by the Election Assistance Commission, rather than with the error rate standards of the voting system standards adopted by the Federal Election Commission.

Notice of Cancellation of Elections—H.B. 3157
by Representative Faircloth—Senate Sponsor: Senator Huffman

Under current statute, if a local entity contracts with its county to conduct an election and then cancels the election because there are no contested races, the county must post the notice of cancellation at the polling place. However, there are some precincts in which over 20 counties use a single countywide voting center. Therefore, the cancellation notice must be posted at all of the voting locations in the county. This bill:

Authorizes a county election officer to use a single combined notice of cancellation for all authorities that declare an election moot for which the officer provides election services under contract.

Composition of a District Executive Committee of a Political Party—H.B. 3456
by Representatives Paul and Rick Miller—Senate Sponsor: Senator Estes

Currently a district executive committee of a political party for a multicounty district consists of the county chair of each county that is wholly situated in the district and one precinct chair from each county that is only partly situated in the district. Interested parties state that the composition of such a committee should be changed and that matters relating to filling a vacancy in a nomination or transacting other business should be addressed. This bill:

Provides that the executive committee for a district situated in more than one county consists of the members of each county executive committee who reside in the district.

Requires the state chair to:

- call a meeting of the district executive committee to convene either as a whole in one location or separately in each county in the district at any time after the precinct chairs take office to fill a vacancy in a nomination or to transact any other business; and
- notify the members of the district executive committee in advance of the time, place, and purpose of any meeting or meetings.

Requires the appropriate county executive committee members, if a vacancy exists in the office of senatorial district chair for a county immediately before the date for conducting the regular drawing for a

place on the general primary ballot, to convene on that date at the hour and place specified by the county chair to elect that officer.

Requires the members of the district executive committee, when the committee is meeting as a whole in one location, to elect a chair at the committee's first meeting from among the committee membership. If the committee is meeting separately in each county, the members meeting in each county must elect a chair at the committee's first meeting from among the committee membership in that county.

Requires the state chair, for the purposes of filling a vacancy in a nomination, to canvass the votes of a district executive committee when meeting separately in each county .

Requires the state executive committee by rule to determine the quorum requirements for a district executive committee.

Authorizes the state executive committee to by rule require a specific deadline for filling vacancies on a district executive committee prior to that committee filling a vacancy in nomination for public office.

Provided that such rule may also include a requirement that a county executive committee publicly post on the committee's website the names and addresses of committee members.

Appointment and Training of Volunteer Deputy Registrars—S.B. 142

by Senators Garcia and Rodríguez—House Sponsor: Representative Klick

Currently, a person who wishes to become a volunteer deputy registrar (VDR) must meet certain qualifications before being appointed by the voter registrar in their county. The VDR must then complete in-person training developed by the Texas Secretary of State (SOS) before registering any voters. Counties have the burden of providing this in-person training. Due to limited resources, many counties are only able to offer such training a few times a month, at most. As a result, this training can be difficult for volunteers to attend and may deter them from volunteering.

Texas has one of the lowest voting turnout rates in the nation. If the training materials were provided on the SOS webpage, there might be heightened interest for Texans to complete the training online and help increase voter registration in the state. This bill:

Authorizes a county to adopt a method of appointment for VDRs prescribed by SOS or developed by the county and approved by SOS that provides for the training and examination of potential VDRs.

Requires SOS to provide on its website training materials and an examination based on those materials.

Requires a county to administer the required examination to a potential VDR at any time during the county voter registrar's regular business hours.

Provides that a county is not required to hold in-person training sessions for potential VDRs.

Requires the registrar, at the time a person satisfactorily completes the examination in compliance with standards adopted by SOS, to appoint the person as a VDR and advise the person:

- of county-specific procedures for processing voter registration applications, if applicable; and
- that the only requirements for voter registration are those prescribed by state law or by SOS.

Processing Ballots Voted by Mail in Certain Counties—S.B. 383
by Senator Uresti—House Sponsor: Representative Garcia

As the population in Texas ages, more Texans are becoming eligible to vote by mail (VBM). Current law requires counties with a population of 100,000 or more to begin processing VBM ballots nine days prior to the closing of the polls on election day. Large counties receive tens of thousands of VBM ballots, and some of them must hire temporary staff to timely process these ballots. This bill:

Provides that, notwithstanding Section 87.024 (Time of Delivery: Voting Machine Election), Election Code, in an election conducted by an authority of a county with a population of 100,000 or more or conducted jointly with such a county, the jacket envelopes containing the early voting ballots voted by mail may be delivered to the early voting ballot board (board) between the end of the ninth day before the last day of the period for early voting by personal appearance and the closing of the polls on election day, rather than between the end of the ninth day before election day and the closing of the polls election day, or as soon after closing as practicable, at the time or times specified by the presiding judge of the board.

Deadline for Filing Candidate's Personal Financial Statement—S.B. 431
by Senator Seliger—House Sponsor: Representative Phelan

Under current law, the filing deadline for a place on the primary general election ballot is the second Monday in December. The due date for a candidate's personal financial statement (PFS) is statutorily tied to the primary filing deadline; specifically, it is due 40 days after the primary filing deadline. In 2014, this meant the PFS was due on January 21, well before end-of-year tax information is generally available. This bill:

Changes the due date of the filing of the PFS to not later than 60 days after the regular filing deadline for an application for a place on the ballot in the general election or February 12, whichever is later.

Establishing an Interstate Voter Registration Crosscheck Program—S.B. 795
by Senator Perry et al.—House Sponsor: Representative Klick

Under the current Election Code, there is no system in place to prevent duplicate registration in more than one state. In many states, interstate crosscheck programs are used to clean up voter rolls and look for potential voter fraud. Opting into an interstate crosscheck program does not change how voters are removed from the voter rolls and complies with the federal Voting Rights Act. This bill:

Adds Section 18.062 (Interstate Voter Registration Crosscheck Program) to the Election Code:

- Requires that the Texas secretary of state cooperate with other states and jurisdictions to develop systems to compare voters, voter histories, and voter registration lists to identify voters whose addresses have changed and prevent duplication of registration in more than one state or

jurisdiction.

- Requires that any system developed under this section comply with the National Voter Registration Act.

Fee Waived for Birth Record Needed to Obtain an EIC—S.B. 983
by Senator Bettencourt—House Sponsor: Representative Schofield

In order to vote in elections in Texas, the law requires most citizens to show one of several specified photo identifications. Experts say more than 600,000 Texans lack such identification. Such a citizen can obtain an "election identification certificate" (EIC) free of charge, but must present a copy of his or her birth certificate. Searching for and obtaining copies of birth certificates can cost between $2 and $47. This bill:

States that it is not the intent of the legislature to impose a cost for obtaining certified records for the purpose of obtaining an election identification certificate.

Prohibits the state registrar, a local registrar, or a county clerk from charging a fee to an applicant that is associated with searching for or providing a record, including a certified copy of a birth record, if the applicant states that the requested record is for the purpose of obtaining an EIC.

Entitles a local registrar or a county clerk who issues a birth record that is required for obtaining an EIC, and is otherwise entitled by law to retain all or a portion of a fee for that birth record, to payment of the amount from the Texas Department of State Health Services.

Canceling an Annual Application for a Ballot by Mail—S.B. 1034 [VETOED]
by Senators Rodríguez and Bettencourt—House Sponsor: Representative Rick Miller

The 83rd Legislature, Regular Session, 2013, enacted legislation permitting voters aged 65 and older and those with disabilities to make one application to vote by mail each year and have that application apply to all elections conducted in that calendar year in a district in which the county clerk or elections administrator serves as the early voting clerk. When the voter votes in person at either early voting or on Election Day, all future mail ballots are cancelled automatically. This leads to unintended consequences in certain election cycles. If a voter votes in the May spring election in person, the primary runoff mail ballot already in circulation is cancelled by operation of the law, which in most cases was unintended. This bill:

Provides that the cancellation of an application for a ballot to be voted by mail does not cancel the application with respect to a subsequent election to which the same application applies.

Authorizes a person eligible to submit an application to apply to receive all ballots in an even numbered year on the same application submitted for a ballot in the November general election of an odd year.

Authorizes the secretary of state by rule to redesign the official carrier envelope.

Removal of Precinct or County Chair for Abandonment of Office—S.B. 1072
by Senator Zaffirini—House Sponsor: Representative Eddie Rodriguez

For each political party in each county that holds a primary election in this state, the Election Code provides for the establishment of a county executive committee (committee) that consists of a county chair and a precinct chair from each county election precinct. Although current law provides that the county executive committee may fill vacancies on the committee by appointment, a problem can occur when a county or precinct chair (chair) abandons the chair's office, leaving it unclear whether a vacancy in fact exists. This bill:

Adds Section 171.029 (Removal of Precinct Chair or County Chair for Abandonment of Office) to the Election Code:

- Provides that a precinct or county chair who has failed to perform statutory duties or failed to attend four or more consecutive meetings may be removed for abandonment of office.
- Authorizes a county chair, if authorized by a resolution passed by the county executive committee, to send a notice to a precinct chair stating that the precinct chair is considered to have abandoned the office.
- Authorizes a state chair, if authorized by a resolution passed by the state executive committee, to send a notice to a county chair that states that the county chair is considered to have abandoned the office.
- Sets forth the requirements for such notices.
- Requires a precinct or county chair to respond to a notice on or before the seventh day after the date the chair receives the notice and state whether the chair wishes to continue in office.
- Provides that a chair's failure to respond by stating that the chair wishes to remain in office results in a vacancy in the office.

Candidate's Campaign Mailing and Electronic Mail Address—S.B. 1073
by Senator Zaffirini—House Sponsor: Representative Eddie Rodriguez

Under current law, a candidate for public office in this state must provide the candidate's residence address on the candidate's application for a place on the ballot. The address, together with other information provided by the candidate, is posted on a publicly viewable website maintained by the secretary of state (SOS). The publication of a candidate's home address raises significant privacy concerns. This bill:

Provides that a candidate's application for a place on the ballot must include a public mailing address and any available electronic mail address at which the candidate receives correspondence relating to the candidate's campaign.

Provides that an application must be returned to the applicant as incomplete if the applicant submits payment of a fee that is returned for insufficient funds.

Authorizes the applicant to resubmit the application before the end of the filing period, provided that the payment of the filing fee is not made in the form of a check from the same account as that of the payment previously returned for insufficient funds.

Provides that if the payment of a filing fee is returned for insufficient funds after the end of the filing period, the application is not considered to be timely filed and is not valid.

Requires that candidates be notified that the candidate's public mailing address and, if provided on the application, the candidate's electronic mail address, will be posted by on the publicly viewable SOS website.

Requires SOS, for each certified candidate, to post on its website the public mailing address and, if provided, the electronic mail address at which the candidate receives correspondence relating to the candidate's campaign.

Requires the county chair and, if available, at least one member of the county executive committee selected by the county executive committee, to canvass the precinct election returns for the county.

Requires that the time of the local canvass be posted on the county party website or the commissioners court bulletin board if the county organization of the political party does not maintain a website.

Requires that the official result of the primary election, except for offices canvassed at the state level, be posted to the SOS website.

Requires the county chair to certify by posting on the SOS website a notation next the name and address of each primary candidate for placement on the general election ballot.

Requires the county chair to execute and file with the county clerk an affidavit certifying that the returns posted on the SOS website are the correct and complete returns.

Authorizes SOS to adopt by rule a process to allow the chair to submit the affidavit digitally.

Requires SOS to develop appropriate notations to describe the status of each candidate.

Requires the county chair to update the notations after each general primary and runoff primary election and after any withdrawal or death of a candidate and the subsequent replacement of the candidate on the ballot.

Requires the authority preparing the official general election ballot notations to use the list of candidates named on the SOS website in preparing the general election ballot.

Requires the state chair, rather than the executive committee, to canvass the county and state election returns.

Requires the state chair to:

- certify by posting on the SOS website the name and address of certain primary candidates; and
- execute and file with SOS an affidavit certifying that the returns posted on the SOS website are correct and complete.

Authorizes SOS to adopt rules to allow the state chair to submit the affidavit digitally.

Requires the county clerk, rather than county chair, for each primary election to prepare a report of the number of votes received in each county election precinct by candidates for a statewide office or the office of United States representative, state senator, or state representative.

Requires SOS, not later than December 31, 2016, to complete the modifications to the SOS website as necessary to enable compliance with this Act.

Program Allowing Military Voters to Cast Electronic Ballots—S.B. 1115
by Senator Campbell—House Sponsor: Representative James White

H.B. 1129, 83rd Legislature, Regular Session, 2013, created a pilot program that allowed military members stationed overseas to participate in the voting process by electronic means. The Texas secretary of state (SOS) was required to select one county program to participate in the program. The program, allowing voting via email, was deemed a success in Bexar County. This bill:

Requires SOS to select a number of counties to participate in the program.

Extends the pilot program until September 1, 2017.

Requires SOS, not later than January 1, 2017, rather than January 1, 2015, to file a certain report with the legislature.

Extends this Act until September 1, 2017.

Primary Election for Political Party in County Without Party Leadership—S.B. 1448
by Senator Ellis—House Sponsor: Representative Rick Miller

Under current law, a county must have a chairman of a political party in order for a primary ballot to be created. If a county does not have a county party chair, current law makes it optional for a state party chair to contract with a local county that does not have a chair of that political party. However, many counties still do not have a primary because counties do not take advantage of the option to contract with the state party chair. This disenfranchises voters who wish to participate in a statewide or presidential primary. This bill:

Provides that, notwithstanding any conflicting statute, a presidential primary election must be held in a county in which:

- the office of county chair is vacant and there is an insufficient number of members serving on the county executive committee to fill a vacancy on the committee; and
- the party is unable to establish a temporary executive committee.

Provides that, on the request of the state chair of a political party, a county clerk, county tax assessor-collector, or county elections administrator, as appropriate, must contract with the state chair to hold a primary.

Sets forth where the county may designate the location of the polling place for the election.

Requires that voting be conducted at least during the hours that the county clerk's main business office is regularly open for business.

Requires that the election returns be delivered to the state chair of the applicable political party.

Provides that a precinct convention is not required to be held following such a primary election.

Requires that a contract for election services entered into under this Act provide that the county is eligible to be reimbursed for primary election expenses in the same manner a county chair would be reimbursed.

Provides that election officers appointed to serve a polling place for such a primary may be affiliated or aligned with any political party.

Requires the Texas secretary of state to adopt rules to implement this Act.

Deadlines for Certain Election Procedures—S.B. 1703

by Senator Huffman—House Sponsor: Representative Laubenberg

S.B. 100, 82nd Legislature, Regular Session, 2011, changed the date for transmitting absentee ballots for military and overseas voters. This made the voting process more efficient for military and overseas voters. However, some dates under S.B. 100 were omitted. This bill:

Provides that the application of a candidate for a place on the ballot must be filed not later than 5 p.m. of the 78th, rather than 71st, day before the date of the election.

Defines "national holiday" and "state holiday."

Requires that in order to hold an election on a uniform election date, the election be ordered not later than the 78th, rather than the 71st, day before election day.

Exempts certain runoff elections from the provision that an election may not be held within 30 days before or after the date of the general election for state and county officers, general primary election, or runoff primary election.

Requires that the early voting ballot board verify and count provisional ballots not later than the ninth, rather than the seventh, day after the date of an election.

Provides that if the early voting clerk, on reviewing an application for a ballot to be voted by mail that was received on or before the 18th day, rather than 12th day, before election day, determines that the application does not fully comply with the applicable requirements, the clerk must deliver an official application form to the applicant.

Provides that in an election held on the date of the general election for state and county officers, the early voting ballot board must convene to count certain ballots voted by mail not later than the 13th day after the date of the election.

Provides that an applicant is entitled to receive a federal ballot to be voted by mail if the applicant submits the federal postcard application to the early voting clerk after the statutory date and before the deadline for submitting a regular application for a ballot to be voted by mail, rather than the sixth day before election.

Changes:

- Filing deadlines for certain candidates in elections to be held on a uniform election date.
- The date candidate must withdraw because of a catastrophic illness in order for an executive committee to make a replacement nomination following a withdrawal.
- The date by which certain candidates may withdraw from an election.
- The date by which a candidate must be declared ineligible in order for that candidate's name be removed from the ballot.
- The date by which a state chair must notify certain county chairs that the certification has been posted by the Texas secretary of state (SOS).
- The deadlines by which a candidate for nomination may withdraw from a general primary or runoff primary election.
- The date for the drawing for the order of names on the ballot.
- The date by which the state chair of each political party holding a presidential primary election must deliver the certification of the names of presidential and vice presidential candidates and any replacement nominees to the SOS.
- The date by which an independent presidential candidate must deliver certification of a replacement running mate's name to the SOS.
- The date for a special election to fill a vacancy.
- The deadline by which a candidate's application for a place on a special election ballot must be filed.
- The deadline by which a political party's state, district, county, or precinct executive committee, as appropriate for the particular office, may nominate a candidate for the unexpired term.
- The date by which SOS must deliver the certification to the authority responsible for having the official ballot prepared in each county.

Order of Candidate Names on Runoff Election Ballot—S.B. 1779

by Senator Menéndez—House Sponsor: Representative Minjarez

Elections administrators face enormous pressure during an expedited special election to ensure the election is conducted properly. The election office must squeeze both early voting and mail ballots into a small window of time. It takes an entire day to properly program a ballot because the elections office is required to hold a ballot drawing for candidate placement on the ballot. This bill:

Requires that the order of the candidates' names on the runoff election ballot be the relative order of names on the original expedited election ballot.

Member Contributions to the Employees Retirement System of Texas—H.B. 9
by Representative Flynn et al.—Senate Sponsor: Senator Huffman

The Texas Employees Retirement System of Texas (ERS) has a $7.8 billion unfunded liability that grows by $500 million per year. By statute, to be actuarially sound, ERS must be able to pay off this debt in 31 years or less. Currently, this debt is so large, and growing so quickly, that ERS can never pay it off at current contribution rates. This bill:

Provides that membership in the employee class begins on the first, rather than the 91st, day a person is employed or holds office.

Provides that a person who is reemployed or who again holds office after withdrawing contributions for previous service credited in the employee class begins membership in the employee class on the first, rather than the 91st, day the person is reemployed or again holds office.

Provides that Section 813.514 (Credit Purchase Option for Certain Service), Government Code, applies only to a member who became a member before September 1, 2015.

Requires that each state department or agency for each payroll period deduct from each member's compensation a contribution of:

- 9.5 percent if the member is not a member of the legislature, for service rendered after August 31, 2015, and before September 1, 2017, rather than 2016;
- for service by a member who is not a member of the legislature rendered on or after September 1, 2017, the lesser of:
  - 9.5, rather than 7.5, percent of the member's annual compensation; or
  - a percentage of the member's annual compensation equal to 9.5, rather than 7.5, percent reduced by one-tenth of one percent for each one-tenth of one percent that the state contribution rate for the fiscal year to which the service relates is less than the state contribution rate established for the 2017, rather than 2015, fiscal year; or
- 9.5, rather than eight, percent if the member is a member of the legislature.

Food and Beverages Purchases for TDEM Personnel—H.B. 120
by Representative Flynn—Senate Sponsor: Senator Nelson

Although first responders often work around the clock, the Texas Division of Emergency Management (TDEM) does not have statutory authority to use appropriated funds to support these individuals by buying them basic supplies. This bill:

Provides that TDEM may use appropriated funds to purchase food and beverages for division personnel who are activated to provide services in response to a disaster and unable to leave or required to remain at their assignment areas due to the disaster.

Allocation of Costs and Attorney's Fees Incurred by a Court Of Inquiry—H.B. 184 [VETOED]
by Representative Dale et al.—Senate Sponsor: Senator Schwertner

A court of inquiry (COI) may be called when a district judge, acting as a magistrate, has probable cause to believe that an offense has been committed under state law. All costs incurred in conducting a COI are currently borne by the county in which the inquiry is undertaken, even if the alleged misconduct concerns a state officer or employee. This bill:

Provides that if the subject of the COI was:

- an officer or employee of the state at the time of the alleged offense, the state is responsible for all costs incurred in a COI; or
- not an officer or employee of the state at the time of the alleged offense, the county is responsible for the costs.

Game Warden Wesley W. Wagstaff Memorial Highway—H.B. 219
by Representative James White—Senate Sponsor: Senator Nichols

On August 5, 2003, Texas Parks and Wildlife Department Game Warden Wesley W. Wagstaff was killed in a head-on collision with another vehicle on Farm-to-Market Road 1293 while answering an Operation Game Thief call in Hardin County on the Big Thicket National Preserve. He had been a dedicated civil servant since 1993. This bill:

Designates Farm-to-Market Road 1293 in Hardin County as the Game Warden Wesley W. Wagstaff Memorial Highway.

Requires the Texas Department of Transportation, subject to a grant or donation of funds, to design and construct markers indicating the designation as the Game Warden Wesley W. Wagstaff Memorial Highway and any other appropriate information, and to erect a marker at each end of the highway and at appropriate intermediate sites along the highway.

Limiting Liability Regarding a Community Garden—H.B. 262
by Representative Miles et al.—Senate Sponsor: Senators Creighton and Zaffirini

Community gardens are tracts of land that are divided into smaller garden plots and gardened by local residents. The popularity of these gardens has grown in recent years, but many landowners, lessees, or occupants of undeveloped land are reluctant to open their land to community gardens because of the potential for liability. This bill:

Defines "community garden."

Provides that an owner, lessee, or occupant of land, by permitting the use of the land for a community garden, does not ensure that the premises are safe or assume responsibility or incur any liability for:

- damages arising from bodily or other personal injury to, death of, or property damage sustained by, any person who enters the premises for a purpose related to a community garden; or

- an act of a third party that occurs on the premises.

Provides that the doctrine of attractive nuisance does not apply to a claim subject to this Act.

Provides that an owner, lessee, or occupant of land can be held liable for an injury caused by his or her wilful or wanton acts or gross negligence.

Requires that the owner, lessee, or occupant of land post and maintain a clearly readable sign in a clearly visible location on or near the premises containing specific warning language.

Lung Cancer Awareness Day—H.B. 369

by Representatives Villalba and Anchia—Senate Sponsor: Senator Watson

The Centers for Disease Control and Prevention (CDC) reports that more people in the United States die from lung cancer than any other type of cancer, regardless of gender, and that in 2011, the most recent year for which numbers are available, over 200,000 people in the United States were diagnosed with lung cancer. Many Texans have been affected by lung cancer and finding a cure for this cancer, as well as for all other cancers, is an issue that resonates deeply in the hearts of many Texans. This bill:

Provides that May 24 is Lung Cancer Awareness Day in order to educate residents of the state about lung cancer.

Retirement Benefits for Certain Elected State Officials—H.B. 408

by Representative Chris Turner et al.—Senate Sponsor: Senator Menéndez

Elected state officials may, under certain conditions, transfer service from the elected class of the Employees Retirement System of Texas (ERS) to the employee class of ERS to establish the official's eligibility for a service retirement annuity. Concerned parties note that some elected state officials who establish eligibility in this manner may simultaneously receive a service retirement annuity as well as a state salary. This is referred to as "double dipping." Interested parties assert that elected state officials are stewards of the public trust and taxpayer money and, as such, should not be paid twice by Texas taxpayers. This bill:

Prohibits a member or retiree who takes the oath of office for a position included in the elected class of membership, other than a district attorney or criminal district attorney, from transferring service to the employee class until the person no longer holds that position.

Provides that this prohibition does not prohibit a member from retiring and receiving a service retirement annuity that is based on service credit earned in a position included in the employee class of membership.

Scholarships for Children of Peace Officers Killed in Line of Duty—H.B. 530
by Representative Hernandez—Senate Sponsor: Senator West

Current law regarding contraband forfeiture provides for the seizure of certain tangible items associated with the commission of an offense and for forfeiture of that contraband to the state. The authorized use of contraband and contraband proceeds that are distributed into special funds in a county or municipal treasury or state law enforcement agency is limited. H.B. 530 seeks to allow for a portion of the proceeds to be used to provide college scholarships for children of certain peace officers killed in the line of duty. This bill:

Prohibits a law enforcement agency from transferring more than 10 percent of the gross amount credited to the agency's fund to a separate special fund established in the treasury of the political subdivision or maintained by the state law enforcement agency, as applicable. Requires the law enforcement agency to administer the separate special fund. Requires that the interest received from the investment of money in the fund be credited to the fund. Authorizes the agency to use money in the fund only to provide scholarships to children of peace officers who were employed by the agency or by another law enforcement agency with which the agency has overlapping geographic jurisdiction and who were killed in the line of duty. Provides that scholarships may be used only to pay the costs of attendance at an institution of higher education or private or independent institution of higher education, including tuition and fees and costs for housing, books, supplies, transportation, and other related personal expenses.

Defines "institution of higher education" and "private or independent institution of higher education."

Requires the attorney general of the State of Texas (attorney general), not later than April 30 of each year, to develop a report based on information submitted by law enforcement agencies and attorneys representing the state detailing the total amount of funds forfeited, or credited after the sale of forfeited property, in this state in the preceding calendar year. Requires the attorney general to maintain in a prominent location on the attorney general's publicly accessible Internet website a link to the most recent annual report.

Access to Financial Records of Person Who Dies Intestate—H.B. 705
by Representative Farrar—Senate Sponsor: Senator Ellis

When someone dies without a will and the estate totals no more than $50,000, a small estate affidavit is a less expensive way of probating the estate than traditional estate administration. However, filing a small estate affidavit requires a demonstration that estate assets exceed known liabilities and the lack of access to account balance information can be a barrier to families who would otherwise be able to use a small estate affidavit. This bill:

Adds Chapter 153 (Access To Intestate's Account With Financial Institution) to the Estates Code:

- Defines "account," "financial institution," interested person," "P.O.D. account," and "trust account."
- Exempts from this chapter an account with a beneficiary designation; a P.O.D. account; a trust account; or an account that provides for a right of survivorship.
- Authorizes a court, on the application of an interested person or on the court's own motion, to issue an order requiring a financial institution to release to the person named in the order information

concerning the balance of each account of a decedent who dies intestate if:

- 90 days have elapsed since the date of the decedent's death;
- no petition for the appointment of a personal representative for the decedent's estate is pending; and
- no letters testamentary or of administration have been granted with respect to the estate.

Use, Collection, and Security of Data Collected by DSHS—H.B. 764

by Representative Susan King et al.—Senate Sponsor: Senator Rodríguez

The Texas Health Care Information Council (THCIC) was created to collect and aggregate statewide health care quality data at hospitals and ambulatory surgical centers in Texas. THCIC was consolidated as a division of the Department of State Health Services (DSHS), and over the years the legislature has worked to improve the operations of THCIC and to make the duties of THCIC more consumer-friendly. H.B. 764 seeks to build on these efforts. This bill:

Requires DSHS or another entity as determined by DSHS to collect data from a provider to maintain a database that does not include identifying information for use as authorized by law.

Requires a provider to provide to a patient whose data is being collected under this chapter written notice on a form prescribed by DSHS of the collection of the patient's data for health care purposes.

Requires that the notice provided to a patient include the name of the agency or entity receiving the data and of an individual within the agency or entity whom the patient may contact regarding the collection of data.

Requires DSHS to include the notice required by the bill on an existing DSHS form and make the form available on the DSHS Internet website.

Requires that any procedures adopted under the bill meet available best practices and national standards for public research on and consumer use of health care data collected by governmental agencies.

Requires that the data received by DSHS under the bill be used by DSHS and the Health and Human Services Commission (HHSC) only for the benefit of the public.

Prohibits DSHS from charging a fee to HHSC or any other health and human services agency for the use of any data collected under the bill.

Requires DSHS to prepare for the commissioner of DSHS an annual report describing the security measures taken to protect data collected under this chapter and any breaches, attempted cyber-attacks, and security issues related to the data that are encountered during the calendar year and provides that the report is not subject to Chapter 552, Government Code, but may be released on request to a member of the legislature.

Requires DSHS, if a cyber-attack targeting data collected under the bill occurs, to notify the Department of Public Safety of the State of Texas (DPS) and the Federal Bureau of Investigation of the attack.

Prescribed Burns by the Parks and Wildlife Department—H.B. 801
by Representative Ken King–Senate Sponsor: Senator Eltife

The Texas Parks and Wildlife Department (TPWD) manages vegetative fuels by executing prescribed burns that are intended to be beneficial. However, there are currently inadequate regulations regarding the creation of a plan for a prescribed burn, the notice of the prescribed burn to neighboring landowners, and the liability for resulting damages to private property. Prescribed burns sometimes cause private property damage for which owners often are not fully reimbursed, such as the replacement of a fence or the repair of a building or land. The resulting costs are borne by the owner who may have been unaware that the burn was taking place. This bill:

Provides for the adoption and implementation by the Parks and Wildlife Commission (commission) and TPWD of a general plan for the use of beneficial prescribed burns on state land that is managed by TPWD, to require the Prescribed Burning Board within the Department of Agriculture to review the general plan, and to require the completion and approval of a site-specific plan for a particular prescribed burn that is tailored to a designated area. Requires TPWD to provide adequate advance notice of a prescribed burn to each neighboring landowner and to appropriate local officials in the vicinity of the designated burn area and specifies the contents of the landowner's notice.

Requires TPWD to purchase liability insurance or establish a self-insurance fund for liability coverage to protect TPWD and its employees against claims resulting from bodily injury or death resulting from a prescribed burn or from injury to or destruction of property resulting from a prescribed burn. Waives and abolishes sovereign immunity to suit to the extent of liability created under the bill's provisions.

Requires the commission to adopt a general plan for prescribed burns on land managed by TPWD as provided by Section 11.353, Parks and Wildlife Code, as added by this Act, not later than January 1, 2016.

Continuation and Duties of the Red River Boundary Commission—H.B. 908
by Representative Phillips—Senate Sponsor: Senators Estes and Van Taylor

In 1999, Texas and Oklahoma entered into the Red River Boundary Compact to definitively locate the jurisdictional boundary between the two states. Determination of the boundary was completed by the Texoma Area Boundary Agreement in 2000. A recent comparison of the boundary established by the Texoma Area Boundary Agreement and the boundary established by the United States (U.S.) Army Corps of Engineers' historical records indicates that the Texas-Oklahoma boundary in Lake Texoma established in 2000 was not drawn in accordance with the U.S. Army Corps of Engineers' preconstruction survey as required. Legislation enacted by the 83rd Legislature set temporary provisions providing for the Red River Boundary Commission (commission) to work with representatives appointed by Oklahoma to redraw the boundary in the Texoma area in accordance with certain documents and issue a final report to specified government officials not later than July 30, 2015. The commission will not meet this deadline. This bill:

Requires the commission to confer and act jointly with representatives appointed on behalf of the State of Oklahoma to redraw the boundary line between this state and the State of Oklahoma on any real property for which the U.S. Army Corps of Engineers granted an easement before August 31, 2000, to at least two districts or authorities created under Section 59, Article XVI, Texas Constitution, for the construction, operation, and maintenance of a water pipeline and related facilities in the Texoma area in order to negate

any effects the boundary as it is currently drawn has on property interests associated with those easements in the Texoma area, in such a way that there is no net loss of property between either state so as to ensure that the redrawn boundary does not increase the political power or influence of either state.

Regulation and Storage of Certain Hazardous Chemicals—H.B. 942

by Representative Kacal et al.—Senate Sponsor: Senator Birdwell

Recent emergency events in Texas have caused the laws relating to oversight and regulation of certain hazardous chemicals to come under public scrutiny. Such laws are potentially confusing because of the patchwork of various agencies and regulatory bodies to which the laws apply. Interested parties contend that these issues can be addressed through simple regulatory reforms. This bill:

Provides guidelines and procedures for fire prevention at ammonium nitrate storage facilities.

Authorizes a fire marshal to enter and examine such facilities and to order owners and operators to correct any hazardous situations.

Transfers the tier two chemical reporting program under Chapter 505 (Manufacturing Facility Community Right-to-Know Act), Health and Safety Code, from the Department of State Health Services (DSHS) to the Texas Commission on Environmental Quality (TCEQ). Transfers all powers, duties, obligations, and liabilities of DSHS and all unobligated and unexpended balances for the tier two program, as well as all equipment, property, files, and other records related to the program from DSHS to TCEQ. Transfers the authority to collect annual fees for filing tier two forms for manufacturing, public employer, and non-manufacturing entities from DSHS to TCEQ.

Establishes specific reporting requirements for ammonium nitrate storage. Requires that, no later than 72 hours after TCEQ receives a tier two reporting form, the agency provide a copy of that form to the State Fire Marshal and to the Texas Division of Emergency Management. Requires the Texas Division of Emergency Management to furnish a copy of the form to the appropriate local emergency planning committee.

Provides that up to 20 percent of fees collected for the tier two program may be used to provide grants to local emergency planning committees to assist them in fulfilling responsibilities related to chemical storage. Authorizes TCEQ to use up to 15 percent of fees collected for the tier two program for DSHS administrative costs under the Health and Safety Code.

Prohibits a facility from violating the provisions of this bill, TCEQ rules adopted under this bill, or an order issued under this bill. Authorizes TCEQ to enforce these provisions, including by issuing an administrative order that assesses a penalty or orders a corrective action.

Professional Sports Team Charitable Foundation Raffle—H.B. 975

by Representative Geren et al.—Senate Sponsor: Senators Fraser and Zaffirini

Current law authorizes a qualified nonprofit organization to conduct charitable raffles in which prizes other than money are awarded and in which all of the proceeds from the sale of raffle tickets are allocated to the

organization's charitable purposes. Interested parties have recommended extending this authorization to charitable foundations associated with professional sports teams in order to highlight philanthropic activities, bring awareness to community needs, and encourage sports fans to contribute to worthy causes. This bill:

Provides that a professional sports team charitable foundation is qualified to conduct charitable raffles under certain conditions set forth.

Authorizes a professional sports team charitable foundation that meets the necessary qualifications to conduct a charitable raffle during each preseason, regular season, and postseason game hosted at the home venue of the professional sports team associated with the foundation to provide revenue for the foundation's charitable purposes.

Provides that a professional sports team charitable foundation authorized to conduct a raffle may award to the raffle winner a cash prize in an amount not to exceed 50 percent of the gross proceeds collected from the sale of raffle tickets.

Provides that only employees or volunteers of the professional sports team charitable foundation or the professional sports team associated with the foundation may sell raffle tickets for a charitable raffle.

Provides that only persons 18 years of age or older may purchase raffle tickets in a charitable raffle.

Sets forth the information required to be printed on each raffle ticket sold or offered for sale.

Requires that all proceeds from the sale of raffle tickets, less the amounts deducted for reasonable operating expenses and cash prizes, be used for the charitable purposes of the professional sports team charitable foundation. Sets forth the items that are considered reasonable operating expenses.

Prohibits the winning number of a charitable raffle from being communicated to raffle participants by means of interactive and instantaneous technology.

Provides that a person commits an offense if the person accepts any form of payment other than United States currency for the purchase of a raffle ticket for a charitable raffle.

Provides that this Act takes effect January 1, 2016, but only if the constitutional amendment authorizing the legislature to permit professional sports team charitable foundations to conduct charitable raffles is approved by the voters.

Limiting the Liability of Certain Sports Officials and Organizations—H.B. 1040

by Representative Paddie—Senate Sponsor: Senator Hancock

Individuals participating in athletic competitions assume certain risks associated with the activity. Current law provides protections from liability for participants either by statute or case law. However, sports officials who officiate, judge, or enforce contest rules, along with certain sponsoring organizations, do not have the same type of liability protection as individuals participating in the athletic competition. This bill:

Defines "athletic competition," "sponsoring organization," and "sports official."

Provides that a sports official engaged in an athletic competition is not liable for civil damages, except for those arising from the official's gross negligence or wanton, wilful, or intentional misconduct.

Provides that a mere violation of the rules of an athletic competition or failing to call a penalty, missing a call, or failing to enforce competition rules is not a basis for liability.

Provides that a sponsoring organization cannot be held liable for an act or omission of a sports official, unless the harm arose from a new, independent, and separate act or omission of the sponsoring organization.

Limiting the Liability of Certain Food Donors—H.B. 1050

by Representative James White—Senate Sponsor: Senator Van Taylor

Under current law, a person or organization is not subject to liability arising from the condition of apparently wholesome food donated by that person or distributed by that entity. Interested parties are concerned that liability questions regarding the food after it leaves the donor's or organization's control may discourage food donations to charitable organizations. This bill:

Provides that a person or gleaner is not subject to civil or criminal liability arising from the condition of apparently wholesome food donated for distribution to the needy, if the food is apparently wholesome at the time of donation.

Provides that a nonprofit organization is not subject to civil or criminal liability arising from the condition of apparently wholesome food that it distributes for free to the needy in substantial compliance with laws and rules regarding the storage and handling of food, if the food is apparently wholesome at the time of distribution.

Hydrocephalus Awareness Month—H.B. 1052

by Representative Parker—Senate Sponsor: Senator Schwertner

Hydrocephalus is characterized by the abnormal buildup of cerebrospinal fluids in the ventricles of the brain and affects an estimated one million Americans. This bill:

Amends the current designation for Texas Hydrocephalus Awareness Month from October to September.

Extending the Planned Elimination of the System Benefit Fund—H.B. 1101

by Representative Sylvester Turner—Senate Sponsor: Senator Whitmire

H.B. 1101 amends current law relating to extending the period over which the balance of the system benefit fund is to be eliminated. Recent legislation eliminated the nonbypassable fee that funds the system benefit fund of the Public Utility Commission of Texas (PUC) while creating a mechanism to exhaust the remainder of the fund by providing significant electricity discounts to low-income Texans during the summer months.

Although the system benefit fund was intended to be dissolved by September 1, 2016, there is still significant funding available to be disbursed. H.B. 1101 temporarily continues the system benefit fund to ensure that money in the fund is distributed for the purpose for which it was originally collected and to allow remaining money to benefit eligible low-income individuals. This bill:

Amends the expiration date of the system benefit fund balance to September 1, 2017.

Authorizes that money in the system benefit fund may be appropriated:

- for the state fiscal year beginning September 1, 2014, to a program established by the commission to assist low-income electric customers by providing a reduced rate for the months of September, 2014, and May through August, 2015, at a rate of up to 15 percent;
- for the state fiscal year beginning September 1, 2015, to a program established by the PUC to assist low-income electric customers by providing a reduced rate for the months of September, 2015, through August, 2016, at the rate PUC determines is necessary to exhaust the system benefit fund;
- for the state fiscal year beginning September 1, 2016, if any money remains in the fund, to a program established by PUC to assist low-income electric customers by providing a reduced rate for the months of September, 2016, through August, 2017, as the PUC determines is necessary to exhaust the system benefit fund; and
- for customer education programs and administrative expenses incurred by PUC in implementing and administering the appropriations.

Damages Resulting From Pursuit Involving Federal Law Enforcement Agency—H.B. 1190

by Representative Guillen—Senate Sponsor: Senator Zaffirini

Under current state law, if a law enforcement agency sells an abandoned motor vehicle or certain other vehicles at auction, the law enforcement agency is entitled to reimbursement from the proceeds of the sale for certain specified costs. Any remaining proceeds may be used to compensate persons whose property was damaged as a result of a pursuit involving a state, county, and municipal law enforcement agency. However, there is no mechanism for compensating persons for property damaged in cases involving pursuits by federal agencies, such as United States Customs and Border Protection. This bill:

Expands current law to include property damage resulting from pursuit by a federal law enforcement agency.

Survivors of First Responders Killed in the Line of Duty—H.B. 1278

by Representative Hughes et al.—Senate Sponsor: Senator Lucio

Current law provides for the payment of certain financial assistance benefits to the survivors of law enforcement officers, firefighters, and certain other public employees killed in the line of duty. The lump sum benefit paid to survivors has not increased in over a decade, and the monthly benefit for surviving children has not increased in approximately four decades. This bill:

Increases the payment for certain eligible survivors from $250,000 to $500,000 and doubles the monthly payments made to eligible surviving minor children.

Provides that a child's entitlement to assistance ends on the last day of the month that includes the child's 18th birthday, rather than on the child's 18th birthday.

Disclosure of Research by Government Contractors—H.B. 1295

by Representative Capriglione et al.—Senate Sponsor: Senator Hancock

In light of recent concerns regarding contracting within governmental entities, it has been suggested that more transparency is necessary with regard to the interested parties of a contract with a governmental entity or state agency. This bill:

Requires a faculty member or other employee or appointee of a public institution of higher education who conducted or participated in sponsored research to disclose the identity of each sponsor of the research in any public communication regarding the results of such research.

Prohibits a governmental entity or state agency, including a public institution of higher education, from entering into a contract with a business entity that requires an action or vote by the governing body of the governmental entity, agency, or institution before the contract may be signed or that has a value of at least $1 million unless the business entity submits a disclosure of interested parties, on a form prescribed by the Texas Ethics Commission (commission), to the entity, agency, or institution at the time the business entity submits the signed contract to the entity, agency, or institution.

Requires an entity, agency, or institution to submit a copy of the disclosure to the commission within a specified period.

Prohibits a state agency that expends appropriated funds from entering into a research contract with a public institution of higher education if the contract contains a provision precluding public disclosure of any final data generated or produced in the course of executing the contract unless the agency makes certain determinations regarding the effects of premature disclosure of the data.

Exempts from the prohibition a contract between a public institution of higher education and the Cancer Prevention and Research Institute of Texas.

Report on Parking for Persons With Disabilities—H.B. 1317

by Representative Bohac et al.—Senate Sponsor: Senators Seliger and Zaffirini

While van-accessible disabled parking spaces include an extra space that typically allows a ramp or lift affixed to a van to lower and allow a person in a wheelchair to exit the ramp or lift and turn, this exit procedure is not possible in spaces that are not van-accessible. Unfortunately, many individuals who are not in wheelchairs and do not require the extra space to unload choose to park in the van-accessible space, thereby limiting access to those few available spaces for individuals who require the additional space to exit and enter a specially equipped vehicle. This bill:

Requires the Governor's Committee on People with Disabilities (committee), in coordination with disability advocacy groups and disability-related organizations located in both rural and urban areas of this state, to review and report on:

- laws of this state that apply to parking for persons with disabilities;
- laws of other states that apply to parking for persons with disabilities;
- requirements for parking for persons with disabilities in:
    - the federal Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) and related federal regulations;
    - the 2010 Americans with Disabilities Act Standards for Accessible Design; and
    - the 2012 Texas Accessibility Standards; and
- policies on parking for persons with disabilities in state-owned parking lots, including on the grounds of the State Capitol.

Requires the committee, not later than November 1, 2016, to submit the report to the governor, lieutenant governor, speaker of the house of representatives, and standing committees of the senate and house of representatives that have jurisdiction over issues related to transportation.

Treatment and Recycling of Oil and Gas Related Waste—H.B. 1331

by Representatives Phil King and Villalba—Senate Sponsor: Senator Fraser

The process of drilling and completing an oil or gas well involves drilling through rock from the surface to a preset depth using a drill bit and pipe. As drilling progresses, mud is circulated through the pipe and out of the drill bit to float rock cuttings, commonly referred to as drill cuttings, out of the drill hole and to the surface. Usually, the drill cuttings are temporarily stored at the well site and then transferred to a third-party site for disposal. There are currently many different methods of disposal for oil-based drill cuttings, such as land filling, land farming, and injection into a salt dome. While recent heightened activity with energy development in Texas has inspired a number of environmentally minded companies to create and pioneer new methods of recycling the waste from drill sites, certain legal questions have arisen that need clarification. This bill:

Provides that, unless otherwise expressly provided by a contract, bill of sale, or other legally binding document:

- when drill cuttings are transferred to a permit holder who takes possession of the cuttings for the purpose of treating the cuttings for a subsequent beneficial use, the transferred material is considered to be the property of the permit holder until the permit holder transfers the cuttings or treated cuttings to another person for disposal or use; and
- when a permit holder who takes possession of drill cuttings for the purpose of treating the cuttings for a subsequent beneficial use transfers possession of the treated product or any treatment byproduct to another person for the purpose of subsequent disposal or beneficial use, the transferred product or byproduct is considered to be the property of the person to whom the material is transferred.

Provides that a person who generates drill cuttings and transfers the drill cuttings to a permit holder with the contractual understanding that the drill cuttings will be used in connection with road building or another

beneficial use is not liable in tort for a consequence of the subsequent use of the drill cuttings by the permit holder or by another person.

Requires a permit holder who takes possession of drill cuttings from the person who generated the drill cuttings to provide to the generator a copy of the holder's permit.

Requires the Texas Railroad Commission to adopt rules to govern the treatment and beneficial use of drill cuttings.

Changes to the Texas Identification System—H.B. 1443

by Representative Geren—Senate Sponsor: Senator Birdwell

Current law requires the office of the comptroller of public accounts of the State of Texas (comptroller's office) to maintain records of state expenditures. The Texas Identification Number System tracks state expenditures and payee information that includes state employees, governmental entities, and vendors. Each payee is then assigned a Texas Identification Number. Initially, an employee's Texas Identification Number was based on the employee's Social Security number (SSN). In order to comply with federal and state laws that protect the confidentiality of an SSN, the agency converted all of its SSN-based Texas Identification Numbers to generic identification numbers in 2014. This bill:

Requires the comptroller of public accounts of the State of Texas (comptroller) to assign a Texas Identification Number to each person who supplies property or services to the state for compensation or reimbursement.

Requires that the Texas Identification Number system be used by each state agency as the primary identification system for persons who supply property or services to the agency for compensation or reimbursement.

Operation of Unmanned Aircraft—H.B. 1481

by Representative Murphy et al.—Senate Sponsor: Senator Birdwell

The Federal Aviation Administration advises pilots against circling or entering the airspace above nuclear, hydro-electric, or coal-fired power plants, dams, refineries, industrial complexes, military facilities, and similar sites. However, the regulations serve only as a guideline for pilots and aircraft operators and cannot regulate remotely piloted vehicles. The increasing use of remote or unmanned vehicles poses a significant safety and security risk for critical state infrastructure. Establishing state guidelines, enforceable by law, will reduce the risk of accidents and prevent intentional harm. This bill:

Defines "critical infrastructure facility" and "dam."

Creates a criminal offense for a person who intentionally or knowingly operates an unmanned aircraft no higher than 400 feet above the ground level over a critical infrastructure facility; allows an unmanned aircraft to make contact with a critical infrastructure facility; or allows an unmanned aircraft to come within a distance of a critical infrastructure facility that is close enough to interfere with the operations of or cause a disturbance to the facility.

Provides exceptions for certain enumerated individuals under conditions set forth.

Authorizing Certain Real Property Transactions Involving DPS—H.B. 1617
by Representative Paddie—Senate Sponsor: Senator Nichols

The First United Pentecostal Church (church) in Center, Texas, is located on land near a Department of Public Safety of the State of Texas (DPS) office. DPS and the church want to enter into a land swap. This bill:

Authorizes DPS to convey certain real property to church, in exchange for certain real property conveyed by the church to DPS.

Prohibits DPS from conveying real property to the church unless the fair market value of the real property conveyed to DPS is equal to or greater than the fair market value of the real property to be conveyed by DPS.

Requires that the fair market value of the real property be established by an independent appraisal obtained by the General Land Office (GLO).

Requires the state to reserve the state's interest in all oil, gas, and other minerals in and under the real property and the states right to remove such minerals.

Requires DPS and the church to each reimburse GLO for one-half of the fees and expenses incurred by GLO in connection with each conveyance of real property.

Provides that certain provisions of the Natural Resources Code do not apply to this exchange of real property.

Describes the property to be exchanged.

Drilling In or Near Certain Easements—H.B. 1633 [VETOED]
by Representative Romero, Jr.—Senate Sponsor: Senator Uresti

The Railroad Commission of Texas currently is not required to provide notice to the Texas Department of Transportation (TxDOT) of a permit to drill an oil or gas well in or near an easement held by TxDOT. This lack of communication between state agencies can become an issue for the planning of future transportation projects. For example, if TxDOT makes plans to expand a portion of a highway but a natural gas well is located within a TxDOT easement at the time TxDOT intends to begin expansion, and TxDOT has no foreknowledge of the well's location, TxDOT's plans would need to be reworked and a taxpayer-funded project would be halted. This bill:

Requires the Railroad Commission of Texas to adopt rules to require that an application for a permit to drill an oil or gas well include an affirmation as to whether or not the well is located in or near an easement held by the Texas Department of Transportation.

Assigning Identifying Number to a Notary Public—H.B. 1683
by Representative Bohac—Senate Sponsor: Senator Huffman

Currently, a notary public's stamp does not have unique identifying information. For instance, if the notary's name is Mary Smith, there is no method to identify Mary Smith as the Mary Smith who was the notary on a document should there ever be a question regarding the notarization or authenticity of the document. This bill:

Requires the Texas secretary of state to supply each notary public with an identifying number and to keep a record of the number assigned to each notary public.

Requires that a notary public's seal of office include the notary public's identifying number.

Investigation and Prosecution of Offenses Against Public Administration—H.B. 1690
by Representative Phil King et al.—Senate Sponsor: Senators Huffman and Bettencourt

Currently, certain criminal investigations of public officials are conducted by a single agency in Travis County. Often the public official under investigation is elected to office in a county other than Travis County and the acts alleged occur outside of Travis County. Interested parties assert that transferring the responsibility for investigations into allegations of criminal conduct against a public official to a law enforcement agency with statewide jurisdiction and statewide personnel would mitigate the possibility of political intervention in this criminal justice process. This bill:

Adds Subchapter B-1 (Public Integrity Unit) to Chapter 411 (Department of Public Safety of the State of Texas), Government Code.

- Sets forth which offenses are covered under this subchapter.
- Requires that the Texas Rangers establish a public integrity unit (PIU).
- Authorizes PIU, upon receiving a formal or informal complaint regarding an offense against public administration or on request of a prosecuting attorney or law enforcement agency, to perform an initial investigation into the offense.
- Provides that the Texas Rangers have authority to investigate an offense against public administration, any lesser included offense, and any other offense arising from such conduct.
- Requires that the matter be referred to the prosecuting attorney of the county in which venue is proper under this subchapter if an initial investigation demonstrates a reasonable suspicion that an offense against public administration occurred.
- Requires that PIU, on the request of the prosecuting attorney, assist in the investigation of an offense.
- Requires the prosecuting attorney to notify PIU of the termination or final disposition of the case.
- Authorizes a prosecuting attorney to request that a court with jurisdiction over the complaint permit the attorney to recuse himself or herself for good cause.
- Provides that the attorney is disqualified upon submitting the notice of recusal.
- Requires the presiding judges of an administrative judicial district, following the recusal of a prosecuting attorney, to appoint a prosecuting attorney from another county in that administrative judicial region by majority vote.
- Provides that a prosecutor selected under this provision may pursue a waiver or waivers to extend

the statute of limitations in the aggregate by no more than two years.

- Provides that if the defendant is a natural person, venue for prosecution of an offense against public administration is in the county in which the defendant resided at the time the offense was committed.
- Sets forth what constitutes a residence for the purposes of this subchapter.
- Requires that a state agency or local law enforcement agency, to the extent permitted by law, cooperate with PIU and the prosecuting attorney.
- Authorizes PIU to issue subpoenas and provides for the enforcement of such subpoenas.

Requires the comptroller of public accounts of the State of Texas to pay reasonable amounts incurred by a prosecuting attorney for extraordinary costs of prosecution from funds appropriated to the comptroller's judiciary section made specifically for such costs.

Provides that an officer of the Texas Rangers has the authority to investigate offenses against public administration prosecuted under Subchapter B-1.

Energy Efficiency Performance Standards in Buildings—H.B. 1736

by Representatives Villalba and Oliveira—Senate Sponsor: Senators Fraser and Huffines

With the increasing number and application of building energy codes, concerns regarding housing affordability and code compliance have arisen. These codes have complicated effects on property appraisals and retail prices, which may be detrimental to consumers and to the broader market. Interested parties recommend a better organized and uniform energy code policy to guard against these detrimental effects. This bill:

Adopts the energy efficiency chapter of the International Residential Code, as it existed on May 1, 2001, as the energy code for single-family residential construction. Provides that, on September 1, 2016, the energy efficiency chapter of the International Residential Code, as it existed on May 1, 2015, is adopted as the energy code for single-family residential construction. Authorizes the State Energy Conservation Office (SECO), on or after September 1, 2021, to adopt and substitute for that energy code the latest published edition of the energy efficiency chapter of the International Residential Code, based on written findings on the stringency of the chapter. Prohibits SECO from adopting an edition under this subsection more often than once every six years. Requires SECO to establish by rule an effective date for an adopted edition that is not earlier than nine months after the date of adoption.

Adopts the International Energy Conservation Code as it existed on May 1, 2001, as the energy code for all other residential, commercial, and industrial construction. Authorizes SECO to adopt and substitute for that energy code the latest published edition of the International Energy Conservation Code, based on written findings on the stringency of the edition. Requires SECO by rule to establish an effective date for an adopted edition that is not earlier than nine months after the date of adoption.

Requires SECO by rule to establish a comment procedure on the codes under consideration for interested parties, including manufacturers of building materials and products.

Requires the Energy Systems Laboratory at the Texas Engineering Experiment Station of the The Texas A&M University System to:

- submit to SECO written findings on the stringency of the latest published edition of the International Residential Code energy efficiency provisions only if the date of the edition permits;
- submit to SECO written findings on the stringency of the latest published edition of the International Energy Conservation Code not later than six months after publication of a new edition; and
- in developing the findings, consider the comments submitted under the process established by SECO.

Authorizes a municipality to establish procedures to adopt local amendments to the International Energy Conservation Code and the energy efficiency chapter of the International Residential Code. Authorizes a municipality located in a nonattainment area or in an affected county to establish procedures to adopt local amendments to the Energy Rating Index Compliance Alternative or subsequent alternative compliance path.

Specifies the Energy Rating Index used to measure compliance for single-family residential construction in an optional compliance path of an edition of the energy efficiency chapter of the International Residential Code.

Public Comments Regarding the Federal Food, Drug, and Cosmetic Act—H.B. 1846

by Representative Susan King—Senate Sponsor: Senators Rodríguez and Kolkhorst

Currently, the Department of State Health Services (DSHS) can enter into an agreement or contract with a federal agency in order to implement recent federal food safety law without notification or feedback from the general public. This bill:

Requires the Texas Department of State Health Services (DSHS) to annually solicit comments from interested persons regarding the grants and contracts DSHS has requested from or entered into with the United States Food and Drug Administration (FDA) for implementing federal acts and amendments, including the Food Safety Modernization Act.

Requires DSHS to solicit comments by posting on the DSHS Internet website a detailed description of and providing notice to interested persons of each grant and contract requested or entered into during the previous year.

Requires that the description and notice include the benefits to the state, DSHS, the regulated community, and the public.

Requires DSHS to respond to questions and comments about a grant or contract to the best of DSHS's knowledge.

Requires DSHS, if an interested person requests that DSHS decline to receive future federal funding from the grant or contract, to consider the request and determine whether the benefits of the grant or contract outweigh the person's concerns.

Oversight of the Texas State Cemetery—H.B. 2206

by Representative Crownover—Senate Sponsor: Senator Hancock

The Texas State Cemetery, whose mission is to honor and commemorate distinguished and notable Texans who have contributed significantly to the history and development of the state, is more closely aligned with the mission of the State Preservation Board than with the Texas Facilities Commission (TFC), under which it currently operates. The State Preservation Board (board) was established for the purpose of preserving, maintaining, and restoring the State Capitol, other historic buildings, and their contents and grounds for the benefit of the citizens of Texas while TFC is the real estate representative for the state in the purchase of buildings, grounds, and property. This bill:

Provides that the duty of TFC to provide facilities management services does not apply to the property known as the Texas State Cemetery located at 801 Comal, Lot 5, Division B, City of Austin, Travis County, Texas.

Requires the State Preservation Board (board), in cooperation with the State Cemetery Committee (committee), to govern and provide oversight, adopt rules and policies, and provide for the operation of the State Cemetery.

Requires the review of the names of state officials presented to the committee for consideration for burial in the State Cemetery.

Amends the composition and term limits for members of the State Cemetery Committee under the conditions set forth.

Authorizes the board, in collaboration with the committee, to adopt rules as necessary for the administration of the State Cemetery.

Establishes the State Cemetery preservation trust fund as a trust fund outside the state treasury to be held with the comptroller of public accounts of the State of Texas (comptroller) in trust. Requires the State Preservation Board, in consultation with the committee, to administer the fund as trustee on behalf of the people of this state under certain conditions set forth.

Eligibility Requirements of a Notary Public—H.B. 2235

by Representative Rodney Anderson—Senate Sponsor: Senator Birdwell

The Government Code sets forth the eligibility requirements of a Texas notary public. This provision clearly mandates that an individual with a conviction for a crime involving moral turpitude is not eligible to be appointed and commissioned as a notary public. Under the Government Code, the Texas secretary of state (SOS) may reject an application or suspend or revoke the commission of a notary public for good cause. "Good cause" is defined to include a "final conviction for a crime involving moral turpitude." Following a Texas attorney general opinion, which was based on rules of statutory construction, SOS has taken the position that it has no discretionary authority with respect to rejecting an applicant who has a final conviction for a crime involving moral turpitude. This bill:

Requires SOS, if it discovers, at any time, that an applicant to be a notary public or a commissioned notary public is not eligible to serve as a notary public, to reject the application or revoke the notary public commission.

Strikes a final conviction for a crime involving moral turpitude from the definition of "good cause."

Ignition Interlock Devices for Certain Intoxication Offenders—H.B. 2246
by Representative Villalba et al.—Senate Sponsor: Senator Huffman et al.

Under current law, ignition interlock devices (IIDs) are mandatory for persons convicted of certain serious driving while intoxicated (DWI) offenses. An IID requires that the driver, in order to start the vehicle, deliver a breath sample into the IID. If the alcohol level in the analyzed result is greater than the pre-programmed level, the IID prevents the vehicle from being started. According to the Centers for Disease Control and Prevention, requiring an interlock program for offender reduces DWI recidivism by 67 percent. Studies show that 50 to 75 percent of convicted drivers convicted of DWI continue to drive without a license. This bill:

Provides that a defendant whose license is suspended for certain DWI offenses may operate a motor vehicle during the period of suspension if the defendant:

- obtains and uses an IID for the entire period of the suspension; and
- applies for and receives an occupational driver's license with an IID designation.

Expands Section 521.242(a), Transportation Code, which allows certain persons whose license has been suspended to apply for an occupational license, to include a person whose license has been suspended for certain specified DWI offenses.

Entitles a person convicted of certain DWI offenses and who is restricted to the operation of a motor vehicle equipped with an IID to receive an occupational license without a finding that an essential need exists for that person, provided that the person shows:

- evidence of financial responsibility; and
- proof the person has had an IID installed on each motor vehicle owned or operated by the person.

Requires that a court order the IID to remain installed for the duration of the period of suspension, rather than at least half of the period of supervision.

Requires that a special restricted license conspicuously indicate that the person is authorized to operate only a motor vehicle equipped with IID.

Requires the issuance of a new driver's license without the restriction at the end of the period of suspension.

Provides that a person who is restricted to the operation of a motor vehicle equipped with an IID may not be subject to any time of travel restrictions.

Authorizes a court to issue an occupational license to a person if the person submits proof the person has an IID installed on each motor vehicle owned or operated by the person.

Requires that the court, if the person is issued an occupational license and fails to maintain an installed IID on each such motor vehicle, to revoke the occupational license and reinstate the suspension of the person's driver's license.

Provides that a person granted an occupational license may not be ordered to submit to the supervision of the local community supervision and corrections department, unless the order is entered by a court of record.

Revision of Laws for Community Supervision Granted in Criminal Cases—H.B. 2299
by Representative Riddle—Senate Sponsor: Senator Whitmire

The Texas Legislative Council is required by law to carry out a complete nonsubstantive revision of the Texas statutes. The process involves reclassifying and rearranging the statutes in a more logical order, employing a numbering system and format that will accommodate later expansion of the law, eliminating repealed, invalid, duplicative, and other ineffective provisions, and improving the draftsmanship of the law, if practicable–all toward promoting the stated purpose of making the statutes "more accessible, understandable, and usable" without altering the sense, meaning, or effect of the law. This bill:

Makes a nonsubstantive revision of existing statute by codifying Article 42.12 (Community Supervision), Code of Criminal Procedure, as a new Chapter 42A (Community Supervision), Code of Criminal Procedure.

References to Telegraph in Statute—H.B. 2300
by Representative Riddle—Senate Sponsor: Senator Whitmire

Given the evolution of modern technologies, referring to a telegraph in statutory provisions relating to warrants has become archaic, irrelevant, and unnecessary. H.B. 2300 seeks to address this issue. This bill:

Deletes references to telegraph transmission with regard to arrest warrants.

Repeals Articles 15.10 (Copy to be Deposited), 15.11 (Duty of Telegraph Manager), 15.12 (Warrant or Complaint Must be Under Seal), and 15.13 (Telegram Prepaid), Code of Criminal Procedure.

Liability for Injuries Incurred During Pleasure Driving—H.B. 2303
by Representatives Kuempel and Fallon—Senate Sponsor: Senator Huffman

Current law limits a landowner's liability for injuries incurred during certain recreational activities, including pleasure driving, which includes off-road motorcycling, off-road automobile driving, and the use of all-terrain vehicles. This bill:

Expands the definition of pleasure driving under current law to include the use of recreational off-highway vehicles.

Naming Areas in Historic Sites—H.B. 2332

by Representative Doug Miller—Senate Sponsor: Senator Fraser et al.

State law does not expressly allow for a non-historic area within a historic site to be named after a donor or other benefactor. Addressing this issue will allow historic sites further opportunities for fundraising. This bill:

Amends Subchapter A, Chapter 442, Government Code, to authorize the Texas Historical Commission (THC) to name an area of a historic site, including a room or exhibition hall, in honor of a donor or other benefactor as THC considers appropriate, provided the area does not have historical value. Requires THC to adopt rules to implement this policy as soon as practicable after the effective date of this Act.

Alcohol Permitting in Sports Stadiums—H.B. 2339

by Representative Smith et al.—Senate Sponsor: Senator Eltife

Certain public entertainment facilities, such as sports stadiums, hold multiple beverage permits that apply to different sections within the venue. Patrons who purchase alcohol in one permitted area may not leave that area with their beverage to return to their seats or to another area inside the facility because those areas are authorized by different permits. Advocates contend that this restriction serves no public purpose and ultimately incentivizes binge drink drinking. This bill:

Authorizes the concessionaire of a public entertainment facility to allow a patron to enter or leave a permitted area within the facility with an alcoholic beverage.

Estates Code and Former Texas Probate Code—H.B. 2419

by Representative Wray—Senate Sponsor: Senator Rodríguez

As part of its ongoing review of Texas probate, guardianship, and trust law, the Real Estate, Probate, and Trust Law Section of the State Bar of Texas has proposed several updates to the law regarding estates. These updates are intended to clarify the current law regarding estates. This bill:

Provides that:

- the Estates Code and the Texas Probate Code must be considered one continuous statute; and
- for the purposes of any instrument that refers to the Texas Probate Code, the Estates Code must be considered an amendment to the Texas Probate Code.

Provides that these provisions take effect only if legislation passed by the 84th Legislature, Regular Session, 2015, relating to nonsubstantive additions to and corrections in enacted codes, does not become law.

Adoption of the Texas Uniform Disclaimer of Property Interests Act—H.B. 2428

by Representative Wray—Senate Sponsor: Senator Rodríguez

H.B. 2428 is part of the ongoing review of Texas law by the Real Estate, Probate, and Trust Law section of the State Bar of Texas. A disclaimer is an action by which a person entitled to receive a gift or inheritance refuses to accept it. The use of disclaimers has grown and the interests being disclaimed have increased in complexity and variety. The Uniform Disclaimer of Property Interests Act (Uniform Act), which has been adopted in 17 states, modernizes disclaimer law to better address this complexity and variety. This bill:

Adds Title 13 (Disclaimer of Property Interests), Chapter 240 (Texas Uniform Disclaimer of Property Interests Act), to the Property Code.

- Provides that Chapter 240 may be cited as the Texas Uniform Disclaimer of Property Interests Act (Act).
- Defines various terms under the Act.
- Provides that this Act:
  - applies to disclaimers of any interest in or power over property, whenever created.
  - does not limit any right of a person to waive, release, disclaim, or renounce an interest in or power over property under another statute.
- Authorizes a person, other than a fiduciary, to disclaim, in whole or in part, any interest in or power over property, even if the creator of the interest or power imposed a restriction on transfer or on the right to disclaim.
- Permits a person designated to serve or serving as a fiduciary to disclaim, in whole or in part, any power over property held in a fiduciary capacity, except as limited by law or the instrument creating the fiduciary relationship.
- Provides that if the power being disclaimed by a person designated to serve or serving as a trustee affects the distributive rights of any beneficiary of the trust:
  - the person may disclaim only on or after accepting the trust;
  - the disclaimer must be compatible with the trustee's fiduciary obligations; and
  - if the disclaimer is made on accepting the trust, the trustee is considered to have never possessed the power disclaimed.
- Provides that a person designated to serve or serving as a fiduciary may disclaim a power even if the creator of the power imposed a spendthrift provision or similar restriction on transfer.
- Provides that, except to the extent that the fiduciary's right to disclaim is expressly limited by a law of this state or by the instrument creating the fiduciary relationship, a fiduciary acting in a fiduciary capacity may disclaim, in whole or in part, any interest in or power over property that would have passed to the ward, estate, trust, or principal with respect to which the fiduciary was acting, had the disclaimer not been made, even if:
  - the creator of the interest or power imposed a spendthrift provision or similar restriction on transfer or a restriction or limitation on the right to disclaim; or
  - an instrument, other than the instrument that created the fiduciary relationship, imposes a restriction or limitation on the right to disclaim.
- Provides that disclaimer by a fiduciary acting in a fiduciary capacity does not require court approval to be effective unless the instrument that created the fiduciary relationship requires court approval or the disclaimer:
  - is by a personal representative who is not an independent administrator or independent

executor, the trustee of a management trust, or the trustee of a certain trust; or
    - would result in an interest in or power over property passing to the person making the disclaimer.
- Prohibits a trustee acting in a fiduciary capacity from disclaiming an interest in property that would cause the interest in property not to become trust property unless:
    - a court of competent jurisdiction approves the disclaimer; or
    - the trustee provides written notice of the disclaimer in accordance with the Act.
- Authorizes a natural guardian to disclaim on behalf of a minor child, in whole or in part, any interest in or power over property that the minor child is to receive solely as a result of another disclaimer, but only if the disclaimed interest or power does not pass to or for the benefit of the natural guardian as a result of the disclaimer.
- Provides that, unless approved by a court of competent jurisdiction, a disclaimer by a fiduciary acting in a fiduciary capacity must be compatible with the fiduciary's fiduciary obligations.
- Provides that the disclaimer by a fiduciary acting in a fiduciary capacity is not a per se breach of the fiduciary's fiduciary obligations.
- Provides that possible remedies for a breach of fiduciary obligations do not include declaring an otherwise effective disclaimer void or granting other legal or equitable relief that would make the disclaimer ineffective.
- Provides that a trustee acting in a fiduciary capacity may disclaim an interest in property that would cause the interest not to become trust property without court approval if the trustee provides certain written notice of the disclaimer to current beneficiaries, presumptive remainder beneficiaries of the trust, and other specified persons.
- Requires the trustee to give written notice of the trustee's disclaimer to the attorney general if:
    - a charity is entitled to notice;
    - a charity entitled to notice is no longer in existence;
    - the trustee has the authority to distribute trust assets to one or more charities that are not named in the trust instrument; or
    - the trustee has the authority to make distributions for a charitable purpose described in the trust instrument, but no charity is named as a beneficiary for that purpose.
- Provides that a beneficiary is not considered to have accepted the disclaimed interest solely because the beneficiary acts or does not act on receipt of such notice and that the beneficiary does not lose the beneficiary's right, if any, to sue the trustee for breach of the trustee's fiduciary obligations in connection with making the disclaimer.
- Sets forth the requirements for an effective disclaimer and when such disclaimer becomes irrevocable.
- Describes the types and effects of disclaimers, including a disclaimer of interest in property, disclaimer of rights in survivorship property, disclaimer of interest by a trustee, and partial disclaimer by a spouse.
- Provides that generally a disclaimant may deliver a disclaimer by personal delivery, first-class mail, facsimile, e-mail, or any other method likely to result in the disclaimer's receipt.
- Sets forth specific delivery requirements for certain disclaimers, including disclaimer of interest created under intestate succession or will, disclaimer of interest in testamentary trust, disclaimer of interest in inter vivos trust, and disclaimer by certain fiduciaries or of the power of an agent.
- Provides that if an instrument transferring an interest in or power over property subject to a disclaimer is required or authorized by law to be filed, recorded, or registered, the disclaimer may be filed, recorded, or registered as that instrument.

- Provides that, except as otherwise provided, failure to file, record, or register the disclaimer does not affect the disclaimer's validity between the disclaimant and persons to whom the property interest or power passes by reason of the disclaimer.
- Sets forth when a disclaimer is barred or limited, including:
  - when a disclaimer is barred by a written waiver of the right to disclaim;
  - if certain events occur before the disclaimer becomes effective; and
  - a disclaimer by a child support obligor to disclaimed property that could be applied to satisfy the disclaimant's child support obligations under certain circumstances.
- Makes conforming statutory changes.

Public Private Partnerships—H.B. 2475

by Representative Geren—Senate Sponsor: Senator Eltife

The Texas Facilities Commission (TFC) is authorized to organize and participate in public-private partnerships to deliver projects and services in a manner that is more timely and cost-effective than could otherwise be provided by the public sector. Advocates contend that a center of excellence (center) is needed to determine which projects are best suited for such partnerships and which ones should be financed by the public sector exclusively. This bill:

Requires TFC to establish the center for alternative finance and procurement to consult with governmental entities regarding best practices for procurement and the financing of certain projects and assist governmental entities in the receipt of proposals, negotiation of agreements, and management of certain projects.

Requires the center to provide professional financial and technical services to support the Partnership Advisory Commission in its review of proposals.

Person's Right to Enter a Residence to Recover Personal Property—H.B. 2486

by Representative Keffer et al.—Senate Sponsor: Senator Hinojosa

Sometimes during the difficult dissolution of a family, one family member refuses to allow another to return home to retrieve personal belongings. In some cases, people have reported being unable to access prescription medications and other necessities that they need to care for their children. Current law does not provide any procedural means by which these individuals can seek help in entering the home and retrieving their property. This bill:

Adds Chapter 24A (Access to Residence or Former Residence to Retrieve Personal Property) to the Property Code:

- Authorizes a person who is unable to enter the person's residence or former residence to retrieve personal property belonging to the person or the person's dependent because the current occupant is denying the person entry to apply to the justice court for an order authorizing the person to enter the residence accompanied by a peace officer to retrieve specific items of personal property.
- Requires that the application:
  - certify that the applicant is unable to enter the residence because the current occupant of the

residence has denied the applicant access to the residence;
    - certify that the applicant is not the subject of an active protective order, a magistrate's order for emergency protection, or otherwise prohibited by law from entering the residence;
    - allege that the applicant or the applicant's minor dependent requires personal items located in the residence;
    - describe with specificity the items that the applicant intends to retrieve;
    - allege that the applicant or the applicant's dependent will suffer personal harm if the items listed in the application are not retrieved promptly; and
    - include a lease or other documentary evidence that shows the applicant is currently or was formerly authorized to occupy the residence.
- Limits the items that may be retrieved to specific items, such as medicine, child-care items, and legal documents.
- Requires the applicant to execute a bond payable to the occupant of the residence and sets forth the requirements for the bond.
- Authorizes the justice of the peace (justice), upon sufficient evidence of urgency and potential harm to the health and safety of any person and after notice and an opportunity to be heard, to issue an order authorizing the applicant to enter the residence accompanied by a peace officer and to retrieve the property listed in the application.
- Sets forth what the justice must find before issuing such order.
- Requires a peace officer, if the justice grants the application, to:
    - accompany and assist the applicant in making the authorized entry and retrieving the items of personal property listed in the application;
    - if the current occupant of the residence is present at the time of the entry, provide the occupant with a copy of the court order;
    - create an inventory listing the items taken from the residence; and
    - provide copies of the inventory to the applicant, current occupant, and the court.
- Authorizes a peace officer to use reasonable force in providing assistance under this chapter.
- Grants immunity from civil and criminal liability to:
    - a peace officer who provides assistance in good faith and with reasonable diligence; and
    - a landlord or a landlord's agent who facilitates entry into a residence in accordance with the court order.
- Makes it a Class B misdemeanor for a person to interfere with a person or peace officer entering a residence and retrieving personal property under the authority of a court order.
- Provides that it is a defense to prosecution that the actor did not receive a copy of the court order or other notice that the entry or property retrieval was authorized.
- Grants the occupant of a residence the right to file a complaint in the court alleging that the applicant has appropriated property belonging to the occupant or the occupant's dependent and sets forth the procedure for a hearing on such complaint.

Offensive Noise of Premises—H.B. 2533

by Representative Goldman—Senate Sponsor: Senator Seliger

The Alcoholic Beverage Code provides for an offense relating to offensive noise at an establishment controlled by the holder of an alcoholic beverage license or permit. Interested parties contend that law enforcement rarely uses this particular law, and issues a citation for disorderly conduct under the Penal

Code instead. Advocates contend that the less-used Alcoholic Beverage Code provision should be repealed to avoid confusion regarding which penalty should be given. This bill:

Repeals a prohibition of maintaining or permitting a device or person that produces, amplifies, or projects music or other sound that is offensive to persons on or near the licensed premises.

Transfer of Certain Property From TDCJ to Fort Bend County—H.B. 2547

by Representative Rick Miller—Senate Sponsor: Senator Kolkhorst

Owens Road is a state prison road and the only east-west connector between rapidly developing areas in Fort Bend County (county). Recent sales of prison property, along with the development of previously sold state property, have increased public use of this road. This bill:

Requires the Texas Board of Criminal Justice, not later than December 31, 2015, to donate and transfer to the county the real property described in this Act.

Authorizes the county to use the property only for a public road and utility right-of-way.

Provides that if the county uses the property for any other purpose, ownership of the property automatically reverts to the Texas Department of Criminal Justice (TDCJ).

Provides that if a relocation of utility infrastructure located within the property is requested, the relocation costs are paid by the requesting party.

Requires TDCJ to retain custody of the instrument of transfer after the instrument is filed in the real property records.

Requires the county to identify and:

- convert TDCJ utilities located along and within the existing roadway to public utilities of the county as necessary, without disruption in service or cost to TDCJ; and
- preserve all existing access locations to TDCJ properties and facilities.

Requires the county to grant all easements to TDCJ as necessary to maintain utility infrastructure retained by TDCJ.

Describes the real property to be transferred under this Act.

Deceptive Trade Practice Relating to Notaries Public—H.B. 2573

by Representative Johnson et al.—Senate Sponsor: Senator Lucio

Some notaries public, or notarios, take advantage of a misconception that some Spanish speakers have that notaries public are licensed to provide legal services. This is because in Latin America, "notario" is synonymous with attorney. These notaries public fraudulently offer immigration services, which result in the loss of victims' time, money, and even immigration cases. This type of immigration consulting fraud is

not currently an explicit offense under the Texas Deceptive Trade Practices Act (DTPA) and is mainly prosecuted as the unauthorized practice of law. Current law limits the ability of district and county attorneys to prosecute such cases. This bill:

Expands the term "false, misleading, or deceptive acts or practices" to include using the translation into a foreign language of a title or other word, including "attorney," "lawyer," "licensed," "notary," and "notary public," in any written or electronic material to imply that a person who is not an attorney is authorized to practice law in the United States.

Requires that in an action prosecuted by a district or county attorney under this Act, three-fourths of any civil penalty awarded by a court must be paid to the county where the court is located.

Provides that a district or county attorney is not required to obtain the permission of the consumer protection division of the Office of the Attorney General to prosecute an action, if the district or county attorney provides prior written notice to the division.

Remedy for Fraud in Certain Real Estate and Stock Transactions—H.B. 2590

by Representative Johnson et al.—Senate Sponsor: Senator West

There have been news reports of individuals using false deed documents to fraudulently sell properties they do not own to unsuspecting buyers. Some of these buyers spend money on renovations and mortgage payments for these homes, only to discover that they are not the legal owners. The true owners of the property often must engage in time-consuming and costly legal procedures to clear the title to their property. Many victims of such real estate fraud are deterred from taking legal action because of the time and money associated with such a suit. This bill:

Provides that any public remedy under Subchapter E (Deceptive Trade Practices and Consumer Protection), Chapter 17, Business and Commerce Code, is available for a violation of Section 27.01 (Fraud in Real Estate and Stock Transactions), Business and Commerce Code, that relates to the transfer of title to real estate.

Requires city attorneys to lend the consumer protection division of the Officer of the Attorney General any reasonable assistance requested in the commencement and prosecution of actions brought under this Act.

Authorizes a district or county attorney to institute or prosecute an action under this Act.

Requires that, if a district, county, or city attorney brings an action, 75 percent of any recovered penalty be deposited in the general fund of the county or municipality in which the violation occurred.

Provides that this Act does not apply to an action to recover damages under Chapter 27 (Residential Construction Liability), Property Code.

Attorney Ad Litem's Duty in a Delinquent Ad Valorem Tax Suit—H.B. 2710
by Representative Senfronia Thompson—Senate Sponsor: Senator Zaffirini

Attorneys ad litem (AALs) are appointed in property tax suits to represent the interests of property owners who cannot be located, often because they have died. Although paid for their work, AALs representing property owners in such cases are not required to file anything with the court explaining what they did to attempt to locate the property owners. It has been reported that some AALs do not attempt to identify the property owner or the heirs of the property owner or inform anyone about any rights that they may have. This bill:

Requires an AAL appointed by a court to represent the interests of a defendant in a suit to collect a delinquent tax to submit a report to the court describing the actions taken by the AAL to locate and represent the interests of the defendant.

Prohibits the court from approving the AAL's fees until the report has been submitted and the court determines that the AAL's actions described in the report were sufficient to discharge the AAL's duties to the defendant.

Use of CHL as Proof of Personal Identification—H.B. 2739
by Representative Capriglione et al.—Senate Sponsor: Senator Birdwell

In some circumstances, a concealed handgun license (CHL) is not accepted as official identification in lieu of a driver's license for access to certain goods, services, and facilities. Interested parties assert that the eligibility and verification requirements for obtaining a CHL are much more extensive than those involved in obtaining a driver's license. Therefore, the parties contend that a CHL should be accepted as valid proof of identification, with limited exceptions. This bill:

Prohibits a person from denying the holder of a CHL access to goods, services, or facilities, because the holder presents a CHL rather than a driver's license or other acceptable form of personal identification, except as provided by Section 521.460 (Motor Vehicle Rentals), Transportation Code, or in regard to the operation of a motor vehicle.

Provides that this Act does not affect:

- the requirement under Section 411.205 (Requirement to Display License), Government Code, that a person subject to that section present a driver's license or identification certificate in addition to a CHL; or
- the types of identification required under federal law to access airport premises or pass through airport security.

Study of the Economic Impacts of Recycling—H.B. 2763
by Representative Ed Thompson—Senate Sponsor: Senator Rodríguez

More than 20 years have passed since the establishment of a state goal to recycle a certain percentage of the state's total municipal solid waste. An evaluation of current recycling activities with respect to the

previous goal is recommended in order to determine the economic value of those activities to the state. This bill:

Requires TCEQ to conduct a study on the current and potential economic impacts of recycling, including state and local revenue that may be considered lost because recyclable materials are not recycled. Requires that the study assess current recycling efforts; identify methods that may be used to increase recycling, by the public sector, the private sector, or both; investigate the current and potential availability of funding; assess the current types and number of jobs associated with recycling and potential additional opportunities for job creation that may result from increased recycling; and assess infrastructure needs and development opportunities associated with recycling in rural areas.

Requires TCEQ, to the extent practicable, to use methodologies developed for other recycling studies in performing this study.

Requires TCEQ to prepare a written report on the results of the study and include the report in the 2016 summary report entitled "Municipal Solid Waste in Texas: A Year in Review."

Delayed Birth Certificate—H.B. 2794

by Representative Farney et al.—Senate Sponsor: Senator Zaffirini

A small percentage of home school alumni have experienced what has been called identification abuse, which is the restricting or withholding of important identification documents by parents or guardians. It can be difficult for the victims of identification abuse to obtain these documents, particularly birth certificates. This lack of identification can make it difficult for victims to engage in a number of adult pursuits, such as voting, obtaining a driver's license, or employment. This bill:

Expands the right to petition for an order establishing a record of the person's date of birth, place of birth, and parentage following the denial of a delayed birth certificate (DBC) to the district court in the county where the birth took place and in the statutory probate court or district court in the county in which the person resides. Sets forth what the petition must include.

Clarifies that during a hearing the court may consider evidence submitted to the Texas State Registrar and any other relevant evidence presented by the person that the person was born in Texas.

Authorizes a judge of a statutory probate court or district court to appoint an attorney ad litem in such a proceeding to represent the interests of the person seeking the DBC.

Requires the parent of a person who is seeking a DBC, not later than the 20th day after the request is made, to sign an affidavit acknowledging that the individual is the parent of the person if:

- the person seeking a delayed birth certificate, a managing conservator or guardian of the person, or, if the person is a minor, another person with custody of the minor, has requested the person's parent to sign the affidavit; and
- the parent's affidavit of personal knowledge is necessary for the issuance of the birth certificate because the person seeking the DBC is unable to provide sufficient alternative documentary evidence.

Provides that a parent fails to sign an affidavit of personal knowledge commits a:

- Class B misdemeanor if the request is made on or after the fourth anniversary of the date of birth but before the 15th anniversary of the date of birth; or
- Class A misdemeanor if the request is made on or after the 15th anniversary of the date of birth.

Preservation of the Alamo Complex—H.B. 2968

by Representative Guillen et al.—Senate Sponsor: Senator Menéndez

The Alamo and its surrounding area, one of the most recognizable landmarks in the world and a historical treasure of the state, are not being fully utilized to reflect the Alamo's significance as a cultural asset. The lack of commercial development in the area has resulted in the general disinterest and disappointment of Alamo visitors. This bill:

Provides that the legislature finds that: the Alamo has played an important role in the history of this state and continues to be a symbol of liberty and freedom for this state; this state wants to honor the individuals whose lives were lost at the Alamo; the entire history of the Alamo, from the time the Alamo was established as a mission until the present, should be recognized; and the Alamo is a world-class destination that provides a place of remembrance and education.

Requires the General Land Office (GLO) to enter into a memorandum of understanding with the City of San Antonio to coordinate the planning and development of improvements to the Alamo complex and the area immediately surrounding the complex.

Authorizes GLO to establish an Alamo Preservation Advisory Board to provide advice, proposals, and recommendations to promote the development of the Alamo and to provide associated educational and museum facilities.

Sets forth the composition of the Alamo Preservation Advisory Board.

"Pay for Success" Contracts—H.B. 3014

by Representative Parker et al.—Senate Sponsor: Senator West

"Pay for success" contracts bind a government entity with private investors, including individuals, groups, or foundations to solve a societal ill or other issue. A project's success is determined by how well it addresses its issue, as determined by a third-party evaluator, which avoids spending state funds on the issue. Investors are paid when performance targets are met and savings realized. This bill:

Establishes the success contract payments trust fund outside of the state treasury with the Comptroller of Public Accounts of the State of Texas (comptroller) as the trustee. Authorizes the comptroller to make success contract payments from the fund. Prohibits the fund's balance from exceeding $50 million.

Authorizes a state agency and the comptroller to jointly enter into a success contract with any person under certain terms set forth.

Requires each state agency to provide to the legislature not later than the first day of each legislative session, a report that contains details about performance measures of each success contract.

Disposition of Remains—H.B. 3070

by Representative Senfronia Thompson—Senate Sponsor: Senator Huffman

As part of its ongoing review of Texas probate, guardianship, and trust law, the Real Estate, Probate, and Trust Law (REPTL) section of the State Bar of Texas has proposed several updates to the law regarding disposition of a person's remains. This bill:

Adds to the statutory list of persons who have the right to control the disposition of a decedent's remains one or more of the duly qualified executors or administrators of the decedent's estate.

Provides that the person exercising the right to control the disposition of remains, other than a duly qualified executor or administrator of the decedent's estate, is liable for the reasonable cost of interment and may seek reimbursement for that cost from the decedent's estate.

Provides that when an executor or administrator exercises the right to control the disposition of remains, the decedent's estate is liable for the reasonable cost of interment, and the executor or administrator is not individually liable for that cost.

Modifies the statutory instrument for appointing an agent to control the disposition of a person's remains, including:

- provides that if the person divorces the agent or successor agent, that agent or successor agent does not continue to serve after the divorce unless the instrument states otherwise;
- strikes provisions requiring the agent or successor agent to sign the instrument at the time the person executes it, instead providing that the appointments of an agent and any successor agent in the instrument are valid without their signatures;
- requires each agent or a successor agent, acting pursuant to an appointment, to indicate acceptance of the appointment by signing the instrument before acting as an agent; and
- includes language stating that:
    - an agent signing the acceptance declares that he or she has no knowledge of or any reason to believe that the appointment for disposition of remains has been revoked; and
    - by accepting the appointment, the agent understands that he or she will be individually liable for the reasonable cost of the decedent's interment, for which the agent may seek reimbursement from the decedent's estate.

Provides that a party to the prepaid funeral contract or a written contract providing for all or some of a decedent's funeral arrangements who fails to honor the contract is liable for the additional expenses incurred in the disposition of the decedent's remains as a result of the breach of contract.

Small Estate Affidavit—H.B. 3136

by Representative Naishtat—Senate Sponsor: Senator Zaffirini

Small estate affidavits allow for the settlement of small estates without going through the probate process. While a small estate affidavit may be approved only if the value of nonexempt assets exclusive of a homestead does not exceed $50,000, state law does not require an applicant to list which of these assets are claimed to be exempt. This bill:

Requires that a small state affidavit indicate which known estate assets the applicant claims are exempt.

Clarifies that a reference "homestead" or "exempt property" means only a homestead or other exempt property that would be eligible to be set aside if the decedent's estate was being administered.

Administration of Abandoned Estate for Home-Rule Municipalities—H.B. 3160

by Representatives Alonzo and Senfronia Thompson—Senate Sponsor: Senator West

If the owner of a property dies without a will, no heir steps forward to maintain the property, and the estate is never administered, the property can sit vacant and abandoned for years, becoming an eyesore and a danger to the community. Municipalities often become the caretakers of such abandoned properties and may file a lien against a property to secure the debt incurred by the city for maintaining them. The city essentially becomes a creditor of the estate and has standing to file an application for administration of the estate in order to initiate the disposition of the property. Under current law, the application must be filed within four years. A city may not always become aware of the situation within that time frame. H.B. 3160 exempts home-rule municipalities from the four-year limit on filing the application when disposition of the estate is necessary to prevent real property from becoming a danger to the health, safety, or welfare of the general public. This bill:

Provides that the period for filing an application for letters testamentary or of administration of an estate does not apply if administration is necessary to:

- prevent real property in a decedent's estate from becoming a danger to the health, safety, or welfare of the general public; and
- the applicant is a home-rule municipality that is a creditor of the estate.

Authorizes a court to find necessity for an administration if the administration is necessary to prevent real property in a decedent's estate from becoming a danger to the health, safety, or welfare of the general public.

Contributions and Registrations for an Anatomical Gift Registry—H.B. 3283

by Representatives Zerwas et al.—Senate Sponsor: Senator Zaffirini

While more than 14,000 Texans are waiting for an organ donation, only 805 organs were made available for transplant last year. The Glenda Dawson Donate Life-Texas Registry could close the growing disparity between need and availability in organ donation with the help of increased funding and expanded eligibility, and by making registration more efficient. This bill:

Requires the Texas Department of Motor Vehicles (TxDMV) to provide to each county assessor-collector educational materials for prospective donors regarding the Glenda Dawson Donate Life-Texas Registry.

Increases the amount that an applicant for the registration or the renewal of a registration of a motor vehicle may contribute to the nonprofit organization that administers the Glenda Dawson Donate Life-Texas Registry to $1 or more. Includes electronic submission as an option.

Includes an applicant for an original or renewal commercial driver's license (CDL) among the persons that may elect to contribute to the nonprofit organization administering the Glenda Dawson Donate Life-Texas Registry or to be listed as an organ donor on the Glenda Dawson Donate Life-Texas Registry.

Increases the amount that an applicant for a license or personal identification certificate may donate to the nonprofit organization that administers the Glenda Dawson Donate Life-Texas Registry to $1 or more.

Provides that a prohibition on the collection and use of certain personal information does not apply to the nonprofit organization administering the Glenda Dawson Donate Life-Texas Registry or an organ procurement organization, tissue bank, or eye bank for the purpose of scanning the individual's information on the individual's DL, CDL, or personal identification certificate to register the individual as an anatomical gift donor. Requires the organization, before transmitting the information, to notify the individual of the registry's purpose and the purpose for which the information will be used, require the individual to verify the accuracy of the information, and require the individual to affirm consent to make an anatomical gift through the individual's use of the individual's electronic signature.

Requires the Department of Public Safety of the State of Texas (DPS), when issuing a license or personal identification certificate, to provide the person to whom the license or certificate is issued with written information about the Glenda Dawson Donate Life-Texas Registry.

Requires DPS to remit any contribution so made to the Office of the Comptroller of Public Accounts of the State of Texas (comptroller's office) for deposit to the credit of the Glenda Dawson Donate Life-Texas Registry fund. Authorizes DPS to deduct an amount, not to exceed five percent of the money so collected, for the reasonable expenses incurred by DPS in administering certain provisions of this bill before sending the money to the comptroller's office.

Requires DPS to distribute at all field offices Donate Life brochures that provide basic donation information in English and Spanish and include a contact phone number and e-mail address. Requires DPS to include the question required by the provisions of this bill and information on the donor registry Internet website in renewal notices.

Requires an individual, to have the individual's name removed from the registry, to provide written notice to the nonprofit organization selected to maintain the registry directing the removal of the individual's name from the registry. Requires the organization, on receipt of such a written notice, to promptly remove the individual's name and information from the registry.

Grant Program to Fund Domestic Violence High Risk Teams—H.B. 3327
by Representative Alvarado et al.—Senate Sponsor: Senator Huffman et al.

In 2012, there were 198,366 family violence incidents in Texas, an increase of 11.5 percent from 2011. The Domestic Violence High Risk Team (DVHRT) network is a nationally recognized program that prevents domestic violence and domestic homicide by performing risk assessments to predict when a violent or lethal incident is likely to occur.

A Texas-based DVHRT initiative would unite key community players such as law enforcement officers, prosecutors, victim advocates, and nonprofit organizations that provide services or shelter to victims of family violence. The team members would work in unison to review cases of domestic violence and to identify, monitor, and contain the most dangerous perpetrators. This bill:

Authorizes the Texas attorney general to award grants to DVHRTs in Texas communities using money appropriated for the purpose.

Requires the attorney general to:

- request proposals for the award of grants and to evaluate the proposals; and
- award grants based on the need for domestic violence services in the community in which the DVHRT is located and the effectiveness or potential effectiveness of the DVHRT.

Provides that a grant recipient may use grant money only to fund the activities of a DVHRT in reducing or preventing incidents of domestic violence and providing domestic violence services.

Requires the attorney general to establish procedures to administer the grant program.

Requires the attorney general to apply for any available federal grant funds for the prevention of domestic violence to supplement any appropriations for the grant program.

State Repository for Surplus and Salvage Property—H.B. 3438
by Representative Riddle—Senate Sponsor: Senator Zaffirini

State law requires state agencies to advertise surplus state property on the website of the comptroller of public accounts of the State of Texas for a specified number of days prior to disposing of the property, giving state agencies and qualified organizations a priority period to request the property before it is available to the general public. However, state agencies do not always review the comptroller's postings in order to take advantage of the opportunity to be first in line for a property transfer and instead contact the Texas Facilities Commission (TFC) to inquire about specific items. In addition, state agencies often transfer property without assuring the proper value to the state or post the property without properly notifying TFC. They also often fail to notify TFC of the disposition of the surplus property after the posting period expires, which often results in an agency keeping property for months afterward, reducing the return on sales of such items that become damaged or obsolete over time. Interested parties suggest that TFC should become the clearinghouse for all state surplus property. This bill:

Requires a state agency with surplus or salvage property to inform the Texas Facilities Commission (TFC) of the property's kind, number, location, condition, original cost or value, and date of acquisition.

Requires TFC to advertise such information about the property for its transfer.

Requires TFC to inform other state agencies and political subdivisions of the TFC website that lists surplus property that is available for transfer.

Authorizes TFC by rule to establish a procedure by which a participating state agency receives a return on small value items through the transfer of similar items.

Donation of Surplus and Salvage Property—H.B. 3439
by Representative Riddle—Senate Sponsor: Senator Zaffirini

Interested parties propose that the state establish a new process for donating state surplus property to qualified organizations in cases in which the state will benefit, such as transfers of property to volunteer fire departments, local law enforcement agencies, and organizations that work closely with state agencies to provide health and safety services. This bill:

Provides for the donation of surplus or salvage property from a state agency to a local governmental entity if the Texas Facilities Commission determines that the state will sufficiently benefit from donating the property.

TEC Financial Statements and Electronic Filings—H.B. 3511 [VETOED]
by Representative Sarah Davis—Senate Sponsor: Senator Huffman

The Texas Ethics Commission (TEC) has made recommendations relating to the filing of campaign finance reports or personal financial statements and the use of electronic filing. This bill:

Requires that a financial statement must include an account of the financial activity for the preceding calendar year of:

- any property characterized as separate property;
- any community property of which the individual required to file a financial statement has sole management, control, and disposition;
- any community property of the individual, if the individual exercised both factual and legal control over the financial activity; and
- the individual's dependent children if the individual exercised or held the right to exercise any degree of legal or factual control over the financial activity.

Provides that a person who electronically files a verified financial statement with TEC or another filing authority is not required to include a notarized affidavit if the person uses an electronic filing password issued pursuant to TEC rules to file the financial statement.

Requires that financial statements not filed electronically be accompanied by an affidavit executed by the person required to file the financial statement and sets forth the language of the affidavit.

Requires that financial statement filed electronically be under oath and to contain, in compliance with TEC or local filing authority specifications, the digitized signature of the person.

Provides that a financial statement is considered to be filed under oath by the person required to file the financial statement and that the person is subject to prosecution under Chapter 37 (Perjury and Falsification), Penal Code.

Lobbying Activities and Registration of Lobbyists—H.B. 3512

by Representative Sarah Davis—Senate Sponsor: Senator Huffman

Clarification is needed need regarding the conditions under which a person is required to register as a lobbyist, particularly with regard to the calculation of percentage of compensated time spent in lobby communications and whether goodwill conversations are considered lobby communications. This bill:

Provides that the phrase "communicates directly with a member of the legislative or executive branch to influence legislation or administrative action" includes establishing goodwill with the member for the purpose of later communicating with the member to influence legislation or administrative action.

Provides that a person is not required to register as a lobbyist if the person spends not more than 26 hours, or another amount of time determined by TEC, for which the person is compensated or reimbursed during the calendar quarter engaging in activity, including preparatory activity as defined by TEC, to communicate directly with a member of the legislative or executive branch to influence legislation or administrative action.

Provides that if a person spends more than eight hours in a single day engaging in activity to communicate directly with a member of the legislative or executive branch to influence legislation or administrative action, the person is considered to have engaged in the activity for only eight hours during that day.

Registration of Certain Lobbyists Related to Contingency Fees—H.B. 3517

by Representative Sarah Davis—Senate Sponsor: Senator Huffman

In light of the recent focus on state procurement activities, some interested parties have stated that the statutory prohibitions on contingent fees in relation to influencing state purchasing decisions should be strengthened. Contingency fees are compensation contingent on the passage or defeat of any legislation or administrative action. This bill:

Strikes a provision exempting a person from having to register as a lobbyist solely because the person receives or is entitled to receive compensation or reimbursement to communicate in a capacity other than as an employee of a vendor of a product or service to a member of the executive branch concerning state agency purchasing decisions involving a product, service, or service provider or negotiations regarding such decisions if the compensation for the communication is not totally or partially contingent on the outcome of any administrative action.

Repeals the following provisions of Section 305.022 (Contingent Fees), Government Code:

- Subsection (c-1), which provides that a sales commission or other such fee payable to an independent contractor of a vendor of a product or service is not considered compensation contingent on the outcome of an administrative action if certain conditions are met; and
- Subsection (c-3), which provides that if the amount of compensation or fee is not known at the time of the disclosure required under Subsection (c-1), the registrant must disclose certain information regarding the fee or compensation.

Unmanned Aircraft in the Capitol Complex—H.B. 3628

by Representative Geren and Lozano—Senate Sponsor: Senator Hancock

The recent use of unmanned aircraft in the Capitol Complex has raised the issue regulating such aircraft based on public safety concerns. This bill:

Requires the public safety director to adopt rules, not later than December 1, 2015, governing the use of unmanned aircraft in the Capitol Complex.

Provides that the rules may prohibit the use of unmanned aircraft in the Capitol Complex or authorize limited use of unmanned aircraft in the Capitol Complex.

Provides that it is a Class B misdemeanor to violate such a rule but makes this provision applicable only to an offense committed on or after December 1, 2015.

Confidentiality of Information Used in Filing Reports With TEC—H.B. 3680

by Representative Geren—Senate Sponsor: Senator Zaffirini

The software that the Texas Ethics Commission (TEC) currently provided to appointed and elected officials, candidates, political committees, legislative caucuses, and lobbyists for electronic filings requires the user to install the program on the user's computer and fill out the report from that computer. TEC is transitioning to a new web-based filing application that would allow users to save electronic data online for later retrieval and editing, before sending the finalized report to TEC. This new filing application will allow filers to prepare their reports online from any computer. Some filers are concerned that using the online application to prepare a report may mean that information uploaded during the preparation process could be disclosed publicly, resulting in the potential misuse or misinterpretation of that preliminary information. This bill:

Provides that:

- an electronic report or financial statement data saved in a TEC temporary storage location for later retrieval and editing before the report or financial statement is filed is confidential and may not be disclosed; and
- after the filing of the report or financial statement with TEC, the information disclosed in the filed report or financial statement is public information to the extent provided by law.

Electronic Filing of Financial Statements With Texas Ethics Commission—H.B. 3683
by Representative Geren—Senate Sponsor: Senator Zaffirini

There is a trend in state government and the private sector to reduce paper filing. It would be beneficial for an agency with such limited resources as the Texas Ethics Commission (TEC) to use these technological advances to reduce paperwork and use its resources more efficiently. Current law, however, does not authorize statewide candidates and officeholders to file personal financial statements electronically. This bill:

Requires that a financial statement filed with TEC be filed by computer diskette, modem, or other means of electronic transfer, using computer software provided by TEC or computer software that meets TEC specifications for a standard file format.

Database of State Property—H.B. 3750
by Representative Simmons et al.—Senate Sponsor: Senator Birdwell

Texas has no database of all property owned by the state. Consequently no one knows how much property the state owns or what that property is worth. Advocates have raised concerns regarding the state's ability to assess, effectively use, or insure its assets. This bill:

Requires the State Office of Risk Management (SORM) to report to the legislature on an interim study to be conducted by SORM regarding insurable state assets, using information that is collected by the Legislative Budget Board (LBB) and consolidated by SORM into a single database. Requires that the report include a statewide strategy developed by SORM that will ensure that all real property owned by the state is adequately insured.

Establishes the Senate Select Committee on State Real Property Data Collection, Reporting, and Assessment and the House Select Committee on State Real Property Data Collection, Reporting, and Assessment to jointly report on the study, which may be conducted separately or jointly by the committees, on certain issues and information relating to real property owned by the state. Requires the committees to study the potential benefits of maintaining a comprehensive database of all real property owned by the state.

Construction of Facilities in or Near a State Park—H.B. 3842
by Representative Smithee—Senate Sponsor: Senator Seliger

H.B. 3842 permits the Texas Parks and Wildlife Commission (commission) and institutions of higher education to enter into joint agreements to finance and build facilities in or near state parks. These facilities would provide beneficial use to participating state parks and institutions of higher education. This bill:

Authorizes the commission to enter into a joint agreement with the governing board of an institution of higher education to finance and build a conference center and other appropriate related facilities to be located in or near a state park.

Requires that a facility built under this section be operated cooperatively to provide benefits to the Texas Parks and Wildlife Department (TPWD) and the institution of higher education in accomplishing the purposes of TPWD and the institution.

Authorizes the commission and an institution of higher education to use any funds, property, or other assets available to finance and build a facility under this section.

Funding for Repairs to the Battleship Texas—H.C.R. 80

by Representative Peña et al.—Senate Sponsor: Senator Estes

This resolution:

Provides that the Battleship *Texas* is of historic importance and merits preservation.

Urges the Congress of the United States to provide federal funding for repairs to the Battleship *Texas*.

Monument to Lorenzo de Zavala—H.C.R. 81

by Representatives Peña and Simpson—Senate Sponsor: Senator Uresti

Lorenzo de Zavala played an integral role in the history of Texas, including serving as the vice presidents of the Republic of Texas. This resolution:

Recognizes Lorenzo de Zavala's contribution to Texas history. Authorizes the placement of a statue of Lorenzo de Zavala on the grounds of the Texas State Library and Archives Commission, which bears his name.

Study on the Advertising of Public Notices—H.C.R. 96

by Representative Hunter—Senate Sponsor: Senators Hancock and Burton

As in previous sessions, bills have been introduced in both chambers of the legislature to modify current statutes prescribing how legally required notices are posted and advertised to the general public. Abundant testimony against these measures in past public hearings has cited statistics that public notice placed on the Internet would not reach a large number of Texans, demonstrated problems with archiving Internet notices, raised questions about removing oversight and reducing transparency, and questioned the cost-effectiveness of posting notices on the Internet or through social media. There has also been testimony that publishing public notice on the Internet or through social media would be efficient and cost-effective and would increase audience reach and transparency. It is incumbent on the State of Texas to ensure that public notification about vital information be efficient and effective, and the issue of posting and advertising public notices on the Internet merits further examination. This resolution:

Requests that the lieutenant governor and the speaker of the house of representatives create a joint interim committee to study the issue of advertising public notices, subject to general rules and policies for joint interim committees adopted by the 84th Legislature.

Cruise Industry in South Texas—H.C.R. 108
by Representative Hunter—Senate Sponsor: Senator Lucio

This resolution:

Provides that cruise operations in the home port of Galveston have an enormous economic impact on Texas; the city hosted more than 900,000 passenger and crew visits in 2013, which accounted for $1.2 billion in direct spending; and the industry was responsible for generating 20,000 Texas jobs and paying $1.16 billion in wage income.

Provides that other portions of the Texas coast may present cruise industry opportunities.

Urges the lieutenant governor and the speaker of the house of representatives to create a joint interim committee to conduct a study regarding the development of a cruise industry on the Texas coast between Calhoun and Cameron Counties, inducing its potential economic impact and options for incentives to attract the cruise industry to South Texas.

Charitable Raffle for Professional Sports Team Charitable Foundation—H.J.R. 73
by Representative Geren et al.—Senate Sponsor: Senators Fraser and Zaffirini

The Charitable Raffle Enabling Act authorized a qualified nonprofit organization to conduct charitable raffles in which prizes other than money are offered or awarded, with all or some of the proceeds being allocated for the organization's charitable purposes. This proposed amendment to the Texas Constitution expands these charitable raffles to include a charitable foundation that is associated with a professional sports team. This resolution:

Authorizes the legislature by general law to permit a professional sports team charitable foundation to conduct charitable raffles under the terms and conditions imposed by general law. Provides that the law may authorize the charitable foundation to pay with the raffle proceeds reasonable advertising, promotional, and administrative expenses. Provides that such authorization applies only to an entity that is defined as a professional sports team charitable foundation on January 1, 2016, and may only allow charitable raffles to be conducted at games hosted at the home venue of the professional sports team associated with the professional sports team charitable foundation.

Security for State Information Resources—S.B. 34
by Senator Zaffirini—House Sponsor: Representative Larry Gonzales

The State of Texas increasingly relies on technology to manage the personal information of more than 26 million citizens and to run its infrastructure efficiently. Accordingly, the establishment of a robust cyber-protection system must be a priority for the state. Cybersecurity experts indicate that one of the main causes of cyber-attacks that compromise the personal information of millions of private companies' customers is the lack of a direct communication channel between the companies' cybersecurity officers and the companies' leadership. The State of Texas is exposed to the same risk of suffering cyber-attacks as the business community. The Department of Information Resources (DIR) manages cybersecurity information

from state agencies, but lacks a formal mechanism to communicate its analysis of this information and make recommendations to legislators and policymakers. This bill:

Requires DIR to submit a written report to the governor, the lieutenant governor, and the legislature evaluating information security for this state's information resources not later than January 13 of each odd-numbered year. Requires DIR, in preparing the report, to consider the information security plans submitted by state agencies under this section, any vulnerability reports submitted under Section 2054.077 (Vulnerability Reports), Government Code, and other available information regarding the security of this state's information resources. Requires DIR to omit from any written copies of the report information that could expose specific vulnerabilities in the security of this state's information resources.

Texas Council on Purchasing From People With Disabilities—S.B. 212

by Senator Birdwell et al.—House Sponsor: Representatives Burkett and Raymond

The Texas State Use Program is a partnership between government and private nonprofit entities designed to assist people with disabilities in achieving independence through productive employment activities. The Texas State Use Program also provides state agencies with a method for complying with the purchasing preference the legislature grants to goods and services provided by people with disabilities. The Texas Council on Purchasing from People with Disabilities (TCPPD) serves as the oversight and policymaking body for the Texas State Use Program and contracts with a central nonprofit agency, currently TIBH Industries, to administer it. TIBH contracts with local community rehabilitation programs (CRPs) that hire people with disabilities to provide goods and services through the program. The office of the comptroller of public accounts of the State of Texas (comptroller) provides legal and administrative support to TCPPD.

TCPPD is subject to the Texas Sunset Act and will be abolished on September 1, 2015, unless continued by the legislature. The Sunset Advisory Commission determined that TCPPD lacks the expertise and resources needed to effectively oversee the Texas State Use Program as evidenced by its long-term lack of performance information and inability to show whether the supposed benefits of the program outweigh its additional cost to the state. This bill:

Abolishes TCPPD and transfers all powers and duties of TCPPD to the Texas Workforce Commission (TWC).

Transfers all money, contracts, leases, rights, bonds, and obligations of TCPPD to TWC, and stipulates all personal property, including records, in the custody of TCPPD becomes the property of TWC.

Maintains certain functions at the office of the comptroller, including processing requisitions for products and services required by state agencies; overseeing the State Use Program in the comptroller's procurement policy manual; reviewing agencies' compliance with the program; and preparing a list of all items purchased through an acceptable exception to the State Use Program.

Requires state agencies to report to TWC, in addition to the comptroller, the purchase of products and services available through the Texas State Use Program, but purchased from another business that is not a CRP or a central nonprofit agency.

Requires TWC to establish an advisory committee to assist TWC in establishing performance goals for the program and criteria for certifying a CRP for participation in the program.

Requires TWC to determine the best method to structure the maximum management fee rate charged by a central nonprofit agency for its services.

Use of the Major Events Trust Fund—S.B. 293

by Senator Nelson et al.—House Sponsor: Representative Isaac

Previously enacted legislation significantly reforming the statutes governing the major events trust fund, including increasing transparency and accountability to the public, did not include necessary changes to the site selection process for events eligible for funding. This bill:

Expands the definition of "site selection organization," for purposes of selecting a site in Texas for certain events that are eligible to receive funding from the major events trust fund, to include ESPN or an affiliate, the National Association for Stock Car Auto Racing (NASCAR), and the Ultimate Fighting Championship.

Limiting Liability for Volunteers Operating TPWD Vehicles or Equipment—S.B. 381

by Senator Uresti—House Sponsor: Representative Guillen

State park volunteers perform duties and services that would otherwise be performed by paid employees. Under current law, volunteers working with the Texas Parks and Wildlife Department (TPWD) are not covered under the Texas Tort Claims Act (TTCA). TTCA, which is codified in Chapter 101, Civil Practice and Remedies Code, contains limited waivers of sovereign immunity for governmental units, including for property damage, personal injury, or death arising from the operation or use of a motor-driven vehicle or motor-driven equipment by a governmental unit's employee. Because volunteers are not TPWD employees, TPWD is not authorized to pay claims arising from a volunteer's operation of a TPWD vehicle and the volunteer can be held personally liable. This restricts a volunteer's ability to augment park staff, especially in larger state parks. This bill:

Adds Section 11.0281 (Volunteer Liability and Immunity) to the Parks and Wildlife Code:

- Defines "volunteer."
- Provides that a volunteer acting within the course and scope of the volunteer's assignment for TPWD is immune from civil liability for any act or omission of the volunteer resulting from the operation or use of a motor-driven vehicle or motor-driven equipment owned or leased by TPWD.
- Provides that this section does not apply to conduct that is intentional, wilfully negligent, or done with conscious indifference or reckless disregard for the safety of others.
- Requires TPWD, from any funds appropriated to TPWD, to compensate a claimant for property damage, personal injury, or death proximately caused by the wrongful act or omission or the negligence of a volunteer acting within the scope of the volunteer's assignment if:
    - the property damage, injury, or death arises from the operation or use of a motor-driven vehicle or motor-driven equipment owned or leased by TPWD; and
    - the volunteer would be personally liable to the claimant, absent the immunity provided by this section.

- Limits the amount of compensation to the maximum amount applicable under TTCA.
- Exempts volunteers operating or using a motor-driven vehicle or motor-driven equipment owned or leased by TPWD within the course and scope of the volunteer's assignment from the requirements of Chapter 601 (Motor Vehicle Safety Responsibility Act), Transportation Code.
- States that, except as provided in this section, this section does not create any liability of or waive any immunity of TPWD and its employees or volunteers.

Advisory Council on Cultural Affairs—S.B. 459

by Senators Lucio and Rodríguez—House Sponsor: Representatives Alvarado and Alonzo

Hispanics in this state are a fast-growing and emerging population. According to various demographic reports, between the years 2000 and 2006, Texas' Hispanic population grew by nearly 11 percent. In 2006, while 48.3 percent of the state's population was white, Hispanics amounted to 35.7 percent of the population. In 2003, the United States Census Bureau reported that while 17 percent of the nation's population was of Hispanic/Latino origin, Texas had nearly 10 million people (more than 38 percent of its population) of Hispanic/Latino origin.

While the growth of the population continues, Hispanics are underrepresented in different sectors of our society. For example, only about one-fifth of all businesses in our state are Hispanic-owned firms. In terms of appointments to state boards and commissions, of the 8,149 appointments that have been made over the last 14 years, Hispanics received only 13.5 percent. This bill:

Establishes the Advisory Council on Cultural Affairs in the office of the governor to advise the office on setting policy priorities that address and raise public awareness of major issues affecting this state due to the rapid growth of the state's Hispanic population and other issues resulting from changes in demographics in this state as determined by the governor.

Sets forth the composition and terms of the council.

Requires the council to study and make recommendations relating to the effect of the changing demographics of this state on the following areas, as they relate to this state:

- the economy;
- the workplace;
- educational attainment;
- health;
- veterans affairs; and
- political leadership.

Requires the council to report the council's recommendations to the governor, lieutenant governor, and speaker of the house of representatives not later than October 1 of each even-numbered year.

Revocable Deed Transferring Real Property at the Transferor's Death—S.B. 462
by Senator Huffman et al.—House Sponsor: Representative Farrar

A transfer-on-death deed (TOD) is a way for a real property owner to transfer real estate property while living, with or without a will. Upon the owner's death, such a deed allows clean title to pass to the respective descendant or beneficiary without going through probate. A total of 27 states have some form of TOD deed.

Nearly all probate matters require legal counsel, and many beneficiaries are unable to afford legal counsel. As a result, otherwise inheritable real property is now passed through intestacy to pay for the decedent's estate. This problem can also lead to cloudy titles and complex unintended co-ownership structures that pose difficulties for owners, title companies, local governmental entities, and other real estate stakeholders. This bill:

Adds Chapter 114 (Transfer on Death Deed) to the Estates Code and provides that this chapter may be cited as the Texas Real Property Transfer on Death Act.

Authorizes a revocable TOD deed to be used by an individual to transfer interest in real property to one or more beneficiaries effective at the time of death.

Provides that the deed is not considered a testamentary instrument.

Includes provisions for:
- requirements for the elements, formalities and recording of the deed;
- revoking the deed;
- the effect of the deed and liability of transferred property for creditors' claims;
- transfers of property subject to liens and encumbrances;
- disclaimer of the property by the beneficiary; and
- liability for creditor claims and family allowances.

Sets forth the language of the form for a TOD deed and instructions for completing the form.

Promulgation of Certain Forms for Use in Probate Matters—S.B. 512
by Senator Zaffirini—House Sponsor: Representative Senfronia Thompson

It may be cost-prohibitive for many Texans to hire an attorney to draft or probate a will. Legal aid organizations provide assistance to only a small portion of persons in need. Many persons may neglect writing a will and others may draft wills that are not legally effective. If a person dies without a will, statutory law dictates the distribution of the estate. Property that is not properly transferred lacks clear title. This bill:

Adds Section 22.020 (Promulgation of Certain Probate Forms) to the Government Code.
- Defines "probate court" and "probate matter."
- Requires that the Texas Supreme Court (supreme court), as it considers appropriate, promulgate forms for use by individuals representing themselves in certain probate matters, including a small estate affidavit, probate of a will as a muniment of title, and a simple will form.

- Requires that such forms and instructions be:
  - written in plain language that is easy to understand by the general public;
  - readily available to the general public as prescribed by the supreme court; and
  - translated into the Spanish language.
- Requires that the Spanish language translation of a form:
  - state that the Spanish language translated form is to be used solely for the purpose of assisting in understanding the form and that the English language version of the form must be submitted to the probate court; or
  - be incorporated into the English language version of the form in a manner that is understandable to both the probate court and members of the general public.
- Requires that each form and its instructions clearly and conspicuously state that the form is not a substitute for the advice of an attorney.
- Requires the clerk of a probate court to inform members of the general public of the availability of a form promulgated under this section, as appropriate, and make the form available free of charge.
- Requires that a probate court accept such form, unless the form has been completed in a manner that causes a substantive defect that cannot be cured.

Creation of the State Cemetery Preservation Trust Fund—S.B. 574

by Senator Watson—House Sponsor: Representative Naishtat

A portion of property owned by the Texas Department of Transportation (TxDOT) in the City of Austin was dedicated for Texas State Cemetery use per state statute. The 83rd Legislature authorized the Texas State Cemetery Committee (TSCC) to release the dedication of land only if TSCC found that there is no continuing need for the property and that proceeds from its sale could further the goals of the Texas State Cemetery.

TSCC released the property in 2014, and TxDOT subsequently sold the property and is holding the cemetery's portion of the proceeds until a mechanism is enacted for the cemetery to receive the funds. S.B. 574 creates a State Cemetery preservation trust fund to receive and govern the funds similar to the Capitol preservation trust fund, allows for other funds to be transferred or appropriated to the State Cemetery preservation trust fund, and limits the use of funds to maintenance, renovation, major repairs, capital improvements, preservation of the state cemetery, and for the purchase of additional property to expand the cemetery. This bill:

Creates the State Cemetery preservation trust fund under Section 2165.2565 (State Cemetery Preservation Trust Fund), Government Code, as a trust fund outside the state treasury to be held with the Comptroller of Public Accounts of the State of Texas (comptroller) in trust. Requires the Texas State Cemetery Committee (TSCC) to administer the fund as trustee on behalf of the people of this state. Provides that the fund consists of money transferred or appropriated to the fund and received by TSCC under Section 2165.256(s) (authorizing TSCC to accept certain gifts to promote the work of TSCC), Government Code, and deposited to the fund by TSCC. Requires that the interest received from investment of money in the fund be credited to the fund. Requires that money in the fund be used only to maintain, renovate, make major repairs or capital improvements to, or preserve the State Cemetery, as determined by TSCC, or acquire land in close proximity to the Texas State Cemetery for expansion of the cemetery.

Requires the comptroller to transfer from the state highway fund to the State Cemetery preservation trust fund an amount of money equal to the portion of proceeds attributable to the sale of the property for use by TSCC under certain terms.

Perpetual Care Cemeteries—S.B. 656

by Senator Eltife—House Sponsor: Representative Parker

Perpetual care cemeteries are required to deposit revenue derived from the sales of plots into a perpetual care fund, which is established as an irrevocable trust. While the cemetery may use the income from the trust to pay for the ongoing maintenance of the cemetery, the principal of the trust must remain untouched. In some small cemeteries, this income is insufficient to maintain the cemetery, due to a combination of lower interest rates and the inability of the operator of the cemetery to sell more plots. This bill:

Amends Chapter 712 (Perpetual Care Cemeteries), Health and Safety Code, to authorize the banking commissioner of Texas (commissioner) to petition a court to modify or terminate a perpetual care trust fund if the income is insufficient to maintain the cemetery and no source for additional contributions can be located. Authorizes the court, at the request or with the commissioner's consent, to order the distribution and transfer of all or a portion of the assets in the fund to a nonprofit corporation, municipality, county, or other appropriate person who is willing to accept, continue to care for, and maintain the perpetual care cemetery.

Broadens the commissioner's authority to bring injunctive actions and clarifies the procedures governing emergency orders.

Study Relating to a Coastal Barrier System—S.B. 695

by Senators Larry Taylor and Garcia—House Sponsor: Representative Faircloth et al.

The Texas Gulf Coast is a vital part of the Texas economy. However, the region is vulnerable to hurricanes and other damaging weather events. H.B. 3459, 83rd Legislature, Regular Session, 2013, instructed the legislature to establish a joint committee to study the desirability and feasibility of constructing a coastal barrier protection system. The Joint Interim Committee to Study a Coastal Barrier System provided a forum to discuss this complex issue and gather information for the 84th Legislature. Academics, business leaders, local officials, and coastal residents shared their ideas on various coastal protection concepts. S.B. 695 seeks to continue that dialogue. This bill:

Requires the legislature to establish a joint interim committee to continue to study the feasibility and desirability of creating and maintaining a coastal barrier system that includes a series of gates and barriers to prevent storm surge damage to gulf beaches or coastal ports, industry, or property.

Sets forth the composition of the committee.

Requires the lieutenant governor and the speaker of the house of representatives to jointly designate a chair or two co-chairs from among the committee membership.

Authorizes the committee to adopt rules necessary to carry out the committee's duties.

Requires the committee to report to the governor and the legislature the findings of the study and any recommendations developed by the committee not later than December 1, 2016.

Procedures for Certain Environmental Permit Applications—S.B. 709
by Senator Fraser et al.—House Sponsor: Representative Morrison et al.

Under the current environmental permitting process at the Texas Commission on Environmental Quality (TCEQ), permit applicants are subject to an aspect of the process known as a "contested case hearing" in order to obtain a final permit from TCEQ. A contested case hearing is conducted by an administrative law judge at the State Office of Administrative Hearings (SOAH). One significant issue with the current process is that SOAH is under no timeline to complete a contested case hearing, and the process can significantly delay the issuance of a permit. S.B. 709 establishes that the starting place for a contested case hearing is a presumption that a draft permit issued by TCEQ meets all legal and technical requirements and is protective of public health and the environment. TCEQ is legally obligated to thoroughly review permit applications and only issue a draft permit that meets this standard. This bill:

Shifts the burden of producing evidence from the applicant to protesting parties in contested case hearings (CCH) on applications with TCEQ for air quality; water quality; municipal, industrial and hazardous waste; and underground injection control permits. Limits the issues referred to SOAH to the factual disputes actually raised by the affected person. Limits the time for a CCH to no longer than 180 days from the date of the preliminary hearing.

Requires TCEQ to post notice of its rules related to administrative hearings on the Internet. Requires TCEQ to provide notice to the state senator and state representative of the area when a facility within that member's jurisdiction is issued a draft permit.

Arbitration Fees for Appraisal Review Board—S.B. 849
by Senator Bettencourt—House Sponsor: Representative Elkins

Only owners of residence homesteads of any value and non-homestead properties worth $1 million or less can appeal a ruling of an appraisal review board to arbitration. The property owner must pay a $500 deposit to enter arbitration, 10 percent of which goes to the comptroller of public accounts of the State of Texas (comptroller) for administering the arbitration program. The arbitrator may not charge a fee that is more than 90 percent of the deposit and the arbitration fee is paid by the losing party in the protest. S.B. 849 changes the system by graduating the deposit and arbitrator's fees paid by the value and type of the property under protest with a new structure fee, while changing the comptroller's fee from 10 percent of the deposit to a flat $50 fee. S.B. 849 will allow more property owners to take their property tax protests to binding arbitration by qualifying more properties for arbitration and increasing the deposits and fees paid to arbitrators commensurate with the value of the property being protested. This bill:

Entitles a property owner under Section 41A.01 (Right of Appeal by Property Owner), Tax Code, to appeal an appraisal review board order determining a protest concerning the appraised or market value of property if the appraised or market value, as applicable, of the property as determined by the order is $3 million or less, rather than $1 million or less.

Requires a property owner, in order to appeal an appraisal review board order, to file with the appraisal district an arbitration deposit made payable to the comptroller in an amount as determined under the conditions set forth.

Authorizes the comptroller under Section 41A.05 (Processing of Registration Request), Tax Code, to retain $50, rather than an amount equal to 10 percent, of the deposit to cover the comptroller's administrative costs.

Procedures Regarding Certain State-Owned Property—S.B. 903
by Senator Hancock—House Sponsor: Representative Lucio III

The duties of the Texas General Land Office (GLO) include managing state resources for the benefit of public education, overseeing operations of state-owned lands, maintaining the state archives, and administering the Texas Veterans Land Board. Certain statutory provisions relating to GLO require updating to increase efficiencies and delete outdated language to reflect current practices and improvements based on technological or system advancements. This bill:

Revises gubernatorial signature requirements regarding instruments of conveyance for the grant of an interest in real property owned by the state.

Provides that the description of certain public school land offered for sale, lease, or commitment to a contract for development may be found in other records at GLO, in addition to being found in the School Land Registry.

Requires that payments of principal, interest, and lease rental for public school and asylum land be accounted for in a similar form but separate from first payments on land and prescribes certain procedures to be followed by the comptroller of public accounts of the State of Texas (comptroller) and the commissioner of GLO (commissioner) regarding those payments.

Modifies the allocation procedure for money derived from state land sales or property leases to direct the comptroller to deposit 90 percent of the payments on land to the probable fund to which the payments belong and hold the remaining 10 percent in a suspense account until further notice is given by GLO as to the proper fund for the deposits. Requires the comptroller, after the notice is received, to deposit the full amount to the proper fund.

Requires the commissioner and comptroller to keep an account with each fund according to advices given by them and to retain the advices as permanent records.

Modifies notice requirements regarding approval of a coastal boundary survey or removal of a facility or structure on land owned by the state to specify that the notice be posted on the GLO website, rather than in a newspaper, for 10 consecutive days.

Amends provisions related to lessee audits, protest payments and refunds, and information provided to the School Land Board regarding certain land areas.

Applicability of Mass Gatherings Act to Horse and Greyhound Races—S.B. 917
by Senator Seliger—House Sponsor: Representative Ken King

Across the state, match races between horses or greyhounds are being held at private brush tracks. The Department of Public Safety of the State of Texas (DPS) believes there are between 30 and 50 of these tracks in operation. DPS reports that these events can draw anywhere from 30 to 40 patrons on the low end and up to 2,000 for bigger tracks. This bill:

Provides that Chapter 751 (Mass Gatherings), Health and Safety Code, applies to a horse or greyhound race that attracts or is expected to attract at least 100 persons, except that Chapter 751, Health and Safety Code, does not apply if the race is held at a location at which pari-mutuel wagering is authorized under the Texas Racing Act (Article 179e, Vernon's Texas Civil Statutes).

Public Retirement System Investment Holdings in Sudan or Iran—S.B. 940
by Senator Van Taylor—House Sponsor: Representative Anchia

Currently, the comptroller of public accounts of the State of Texas (comptroller) is required to maintain a list of scrutinized companies, meaning companies that contract with the governments of Sudan or Iran. Upon receiving this list, state pension fund administrators are required to notify the comptroller or the State Pension Review Board, as applicable, of the listed companies in which they own direct or indirect holdings within 14 days. Interested parties contend that the current 14-day limit is insufficient to effectively fulfill this statutory requirement. This bill:

Changes the applicable notification date to the 14th, rather than the 30th, day after the date a state governmental entity receives the list.

Reporting Requirements for Certain Unclaimed Property—S.B. 1021
by Senator Creighton—House Sponsor: Representative Oliveira

The Property Code and the Insurance Code both have sections that provide an option for a holder of abandoned or unclaimed property to report such property in the aggregate without furnishing owner information if the value is less than $50. Owner information must be reported only for property valued over $50.

Property that is presumed to have been abandoned by the owner is reported to the office of the comptroller of public accounts of the State of Texas (comptroller) as unclaimed property and held until claimed by the rightful owner. During fiscal year 2014, the comptroller received $9.5 million reported as aggregate property that could not be published, claimed, or returned to rightful owners because the property was received without owner information, limiting the consumer's ability to assert their ownership of the property. Additionally, there is growing public concern that some states are more focused on using abandoned property as a source of revenue, rather than returning the property to its rightful owner. This bill:

Decreases from less than $50 to less than $25 the amount of the individual amounts of unclaimed proceeds that a life insurance company may report in the aggregate to the comptroller without providing owner-identifying information.

Decreases from less than $50 to less than $25 the amount of the individual amounts due of unclaimed property presumed abandoned that a holder of that property may report to the comptroller in the aggregate without furnishing owner-identifying information.

Fire Inspections by the State Fire Marshall on State-Owned Businesses—S.B. 1105

by Senator Eltife—House Sponsor: Representative Cook

The State Fire Marshal's Office (SFMO) helps protect public safety on state-owned property. Because local fire code and building ordinances typically do not apply to state buildings, SFMO initiated an inspection program to periodically inspect all 16,000 state-owned buildings in 2011.

Current law provides for SFMO fire safety inspections in facilities owned and leased by the Texas Facilities Commission, which only accounts for an estimated six percent of state-owned and leased buildings, and four percent of all state-owned and leased square footage. SFMO has also conducted inspections of other state-owned facilities where fire and public safety violations and concerns were documented. However, current Texas law lacks clarity regarding SFMO's role as the authority with jurisdiction for all state-owned buildings. This bill:

Requires the state fire marshal to periodically inspect public buildings under the charge and control of a state agency and buildings leased for the use of a state agency, rather than periodically inspecting public buildings under the charge and control of the Texas Facilities Commission (TFC) and buildings leased for the use of a state agency by TFC.

Requires the state fire marshal under Section 417.0082 (Protection of Certain State-Owned or State-Leased Buildings Against Fire Hazards), Government Code, to take any action necessary to protect a public building under the charge and control of a state agency against an existing or threatened fire hazard. Requires the state fire marshal to include the State Office of Risk Management (SORM) and each state agency occupying or managing an affected building in all communication concerning fire hazards. Requires the commissioner of insurance (commissioner) and SORM to make and each adopt a memorandum of understanding that coordinates the agency's duties under this section. Provides that the state fire marshal is the authority having jurisdiction over a state-owned building for purposes of fire safety.

Use of Human Remains for Forensic Science Education—S.B. 1214

by Senator Van Taylor—House Sponsor: Representative Rick Miller

Search and rescue dogs go through different types of training, including training in human remains detection and in preparation for natural disasters or missing persons reports. Interested parties are concerned that current training for human remains detection does not adequately prepare the dogs for these missions because trainers must resort to using items with a human scent, rather than actual human remains. In addition, the parties contend that there is no specific authorization for human remains to be donated for forensic science education, further hindering training. This bill:

Adds the furtherance of forensic science to the authorized uses of a body or anatomical specimen donated to the Anatomical Board of the State of Texas.

Includes among the persons to whom an anatomical gift may be made a search and rescue organization or recovery team that is recognized by the board, that is exempt from federal taxation under the federal Internal Revenue Code of 1986, and that uses human remains detection canines with the authorization of a local or county law enforcement agency.

Specifies that the term "education," with respect to the purposes authorized by law for making an anatomical gift, includes forensic science education and related training.

Includes forensic science programs and applicable search and rescue organizations or recovery teams among the authorized recipients to whom the Anatomical Board of the State of Texas or the board's representative is required to distribute and authorized to redistribute, as applicable, certain donated bodies.

Requires that the informational document required to be developed and made available online by the Anatomical Board of the State of Texas about the risks and benefits associated with anatomical gifts and donation information include information regarding a gift of a decedent's body or anatomical specimen for purposes of forensic science education.

Requires the Anatomical Board of the State of Texas to adopt the rules necessary to implement the bill's provisions as soon as possible after the bill's effective date.

Pain Management Clinics—S.B. 1235

by Senator Whitmire—House Sponsor: Representative Fletcher

"Pill mills" are a major supplier of prescription substances that are illegally diverted to be sold as street drugs. Currently, the law applies to the owner or operator of a pain management clinic. However, named owners or operators often distance themselves from these clinics by using other individuals to actually perform the distribution of the controlled substance. This bill:

Defines "operator" as an owner, medical director, or physician affiliated or associated with the pain management clinic in any capacity.

Provides that all supervision and delegation activities related to the pain management clinic are engaged in the practice of medicine.

Provides that a violation of Chapter 168 (Regulation of Pain Management Clinics), Occupations Code, is subject to criminal prosecution under Section 165.152 (Practicing Medicine in Violation of Subtitle), Occupations Code.

Disposition of Certain Unused Prescription Medications—S.B. 1243

by Senator Burton—House Sponsor: Representatives Sheffield and Klick

It has been reported that, in the United States, unused medications may account for as much as $1 billion each year in wasted drug costs. Interested parties assert that the majority of the medications are left unused, especially in the nursing home setting, as a result of a change in prescription, a death, or the transfer of a patient or resident and that many of these medications remain in the manufacturer's original,

sealed, and tamper-evident bulk unit of dose packaging known as a blister pack. The parties, noting that many states have enacted laws and programs to recycle such unused medications, contend that these medications are wasted at the expense of taxpayers. This bill:

Requires the Department of State Health Services (DSHS) to establish a pilot program for the donation and redistribution of prescription drugs and conduct the pilot program in one or more municipalities with a population of more than 500,000 but less than one million.

Authorizes a charitable drug donor to donate certain unused prescription drugs to DSHS for the pilot program.

Defines "charitable drug donor" as a licensed convalescent or nursing facility or related institution, licensed hospice, hospital, physician, or pharmacy; a pharmaceutical seller or manufacturer that donates drugs under a qualified patient assistance program; or the licensed health care professional responsible for administration of drugs in a penal institution in Texas.

Requires a charitable drug donor to use appropriate safeguards established by DSHS rule to ensure that the drugs are not compromised or illegally diverted while being stored or transported.

Prohibits DSHS from accepting the donated drugs unless the charitable drug donor certifies that the drugs have been properly stored while in the possession of the donor or of the person for whom the drugs were originally dispensed, the charitable drug donor provides DSHS with a verifiable address and telephone number, and the person transferring possession of the drugs presents photographic identification.

Authorizes DSHS to accept donated drugs only in accordance with the bill's provisions.

Requires that the donated drugs be prescription drugs approved by the United States Food and Drug Administration (FDA) and be sealed in unopened tamper-evident unit dose packaging, be oral medication in sealed single-dose containers approved by the FDA, or be topical or inhalant drugs in sealed units-of-use containers approved by the FDA.

Provides that a drug packaged in single unit doses may be accepted and distributed if the outside packaging is opened but the single unit dose packaging is unopened.

Provides that the donated drugs may not be: the subject of a mandatory recall by a state or federal agency or a voluntary recall by a drug seller or manufacturer; adulterated or misbranded; a controlled substance under the Texas Controlled Substances Act, a parenteral or injectable medication; a drug that requires refrigeration; or a drug that expires less than 60 days after the date of the donation.

Authorizes DSHS to distribute the donated drugs only after a licensed pharmacist has determined that the drugs are of an acceptable integrity.

Prohibits DSHS from charging a fee for the drugs donated under the pilot program other than a nominal handling fee to defray the costs incurred in implementing the pilot program and from reselling the drugs donated under the pilot program.

Provides that the donated drugs may be accepted and provided or administered to patients only by a charitable medical clinic as defined by the Texas Food, Drug, and Cosmetic Act, a physician's office using the drugs for patients who receive assistance from Medicaid or for other indigent health care, or a licensed health care professional responsible for administration of drugs in a penal institution in Texas.

Requires that a prescription drug provided or administered to a patient under the pilot program be prescribed by a practitioner for use by that patient. Authorizes the clinic or physician providing or administering the drug to charge a nominal handling fee in an amount prescribed by DSHS rule.

Prohibits a clinic, physician, or other licensed health care professional receiving donated drugs from reselling the drugs.

Requires DSHS, not later than December 1, 2015, to establish a location to centrally store drugs donated under the pilot program for distribution to qualifying recipients and to establish and maintain an electronic database in which DSHS is required to list the name and quantity of each drug donated to DSHS under the pilot program and in which a charitable medical clinic, physician, or other licensed health care professional is authorized to search for and request donated drugs.

Requires that the bill's provisions be governed by DSHS rules that are designed to protect the public health and safety and that include information regarding a handling fee, database maintenance, and certain forms.

Establishes that charitable drug donors, manufacturers and sellers of donated drugs, charitable medical clinics, physicians, penal institutions, and their employees acting in good faith in providing or administering prescription drugs under the pilot program are not civilly or criminally liable or subject to professional disciplinary action for harm caused by providing or administering drugs donated under the pilot program unless the harm is caused by wilful or wanton acts of negligence, conscious indifference or reckless disregard for the safety of others, or intentional conduct.

Specifies that the limitation on liability does not apply if the harm results from the failure to comply with the bill's provisions and does not apply to a charitable medical clinic that fails to comply with the insurance provisions of the Charitable Immunity and Liability Act of 1987.

Requires DSHS, not later than January 1 of each odd-numbered year, to report to the legislature on the results of the pilot program and prescribes the information to be included in the report.

Requires DSHS, as soon as practicable after the bill's effective date, to conduct a study to determine the feasibility of establishing a program under which a hospital, a nursing facility, or another health facility may transfer to DSHS, or an entity designated by DSHS, for no payment, unused drugs the cost for which the hospital, nursing facility, or health facility received reimbursement under Medicaid and under which DSHS, or the entity designated by DSHS, distributes to public hospitals the unused drugs transferred to DSHS or the entity designated by DSHS.

Requires DSHS, in conducting the study, to consider the rules the executive commissioner of the Health and Human Services Commission may need to adopt to implement the program described in the study, including rules that provide for certain information as specified by the bill. The bill requires DSHS, not later than September 1, 2016, to submit a report to the legislature containing the findings of the study.

Specifies that the bill applies only to a drug that is donated, accepted, provided, or administered on or after January 1, 2016.

Contested Cases Under the Administrative Procedure Act—S.B. 1267
by Senators Estes and Watson—House Sponsor: Representative Clardy

The Administrative Procedure Act (APA) governs procedures in contested case hearings before state agencies. Currently, several differences exist between the APA and the Texas Rules of Civil Procedure, which govern procedures in state courts, concerning when decisions can be appealed. These differences make the APA confusing and difficult for even experienced administrative lawyers to apply, especially with regard to motions for rehearing and suits for judicial review.

Additionally, when an agency initiates a proceeding against a person subject to its regulation, it is required to give notice of "the particular sections of the statutes and rules involved" before the contested case is tried. Unfortunately, agencies often fail to give adequate notice of the grounds for contested cases, either by failing to comply with the statute or by justifying decisions based on statutes and rules that were never disclosed before trial. As a result, many businesses, professionals, and other people have been disciplined for violating statutes or rules that were never disclosed before trial and against which they had no opportunity to defend themselves. This is contrary to due process of law. This bill:

Clarifies that a notice of hearing in a contested case must include a short, plain statement of the factual matters asserted.

Sets forth the date by which a state agency or other party that is unable to state factual matters in detail at the time notice is served must furnish a more definite and detailed statement of the facts.

Sets forth the date by which a state agency intending to rely on a section of a statute or rule not previously referenced in the notice of hearing in certain proceedings must amend the notice to refer to the section of the statute or rule. Provides that this does not prohibit the state agency from filing an amendment during the hearing of a contested case, as long as the opposing party is granted a continuance of at least seven days to prepare its case on request of the opposing party.

Provides that in certain cases the state agency's failure to comply with these notice provisions may constitute prejudice to the substantial rights of the appellant.

Authorizes certain state agencies to summarily suspend a license if there is an imminent peril to the public health, safety, or welfare that requires emergency action, if the agency incorporates a factual and legal basis establishing that imminent peril in the suspension order.

Sets forth the by which deadline such agency must initiate the proceedings for revocation or other action.

Provides that if such proceedings are not initiated by such deadline, the license holder may appeal the summary suspension order to a Travis County district court.

Provides that a state agency does not have the power to suspend a license without notice and an opportunity for a hearing.

Provides that in certain cases, the state agency's failure to comply with the requirements for a revocation of a state agency license may constitute prejudice to the substantial rights of the license holder.

Provides that a decision or order of a state agency that is adverse to any party in a contested case must be in writing and signed by a person authorized by the agency to sign the agency decision or order.

Sets forth what must be included in an order that may become final or a proposed findings of fact or conclusions of law.

Sets forth how a state agency must notify each party to a contested case of any decision or order of the agency and requires the agency to keep a record documenting the provision of the notice.

Sets forth when a revised period begins that if an adversely affected party or the party's attorney of record does not receive the notice or acquire actual knowledge of a signed decision or order.

Requires that the adversely affected party, in order to establish such a revised period, prove on sworn motion and notice the date the party received notice from the state agency or acquired actual knowledge of the signing of the decision or order.

Sets forth the deadline by which a state agency must grant or deny the sworn motion. If the state agency fails to grant or deny the motion by such deadline, the motion is considered granted.

Provides that if the sworn motion is granted, all the periods specified by or agreed to relating to a decision or order, or motion for rehearing, will begin on the date specified in the sworn motion.

Sets forth the deadline by which a decision or order that may become final in a contested case should be signed.

Sets forth when an order or decision in a contested case is final.

Changes "rendered" regarding a decision or order to "signed."

Provides that an order or decision is final on the date it is signed, if a state agency finds that an imminent peril to the public health, safety, or welfare requires immediate effect of a decision or order and the agency incorporates in the decision or order a factual and legal basis establishing such imminent peril.

Sets forth the deadline for filing a motion for rehearing and a reply to a motion for rehearing.

Sets forth the notification procedures for such notices.

Sets forth the deadline by which a state agency must act on a motion for rehearing.

Authorizes a state agency, on its own initiative or on the motion of any party for cause, to extend the time for filing a motion or reply or taking agency action.

Provides that such an extension may not extend the period for agency action beyond a certain date.

Sets forth the date on which a motion for rehearing is overruled, in the absence of a fixed date.

Sets forth what a motion for rehearing must contain.

Provides that a subsequent motion for rehearing is not required after a state agency rules on a motion for rehearing, except in certain specified circumstances.

Sets forth the deadline for filing a subsequent motion for rehearing.

Sets forth when a prematurely filed petition is effective to initiate judicial review and is considered to be filed in a contested case in which a motion for rehearing is a prerequisite for seeking judicial review.

Payment of Claims and Judgments Against the State—S.B. 1280
by Senator Huffman—House Sponsor: Representative Otto

The state has a number of outstanding claims and judgments against it for varying amounts of money, such as warrants voided by the statute of limitations, outstanding invoices to private vendors, unpaid charges for Medicaid recipients, or court judgment settlements at the conclusion of each biennium. These claims require additional appropriations to be made to honor the state's obligations under the law. S.B. 1280 sets forth sums of money appropriated out of various accounts to pay certain claims and judgments against the state. This bill:

Provides a list of sums of money for payment of itemized claims and judgments plus interest, if any, against the State of Texas from the following accounts or funds: the General Revenue Fund No. 0001; the State Highway Fund No. 0006; the Game, Fish, and Water Safety General Revenue Account No. 0009; the State Parks General Revenue Account No. 0064; the Compensation to Victims of Crime General Revenue Account No. 0469; and the Unemployment Compensation Clearance Account Fund No. 0936.

Requires that the claim or judgment be verified and substantiated by the administrator of the special fund or account. Prohibits any claim or judgment itemized in this Act that has not been verified and substantiated by the administrator of the special fund or account and approved by the attorney general and the comptroller by the date set forth from being paid from money appropriated by this Act.

Requires that each claim or judgment paid from money appropriated by this Act contain such information as the comptroller requires but at a minimum contain the specific reason for the claim or judgment. Requires that the claim include a specific identification of the goods, services, refunds, or other items for which the warrant was originally issued if the claim is for a void warrant. Requires that the claim or judgment also include a certification by the original payee or the original payee's successors, heirs, or assigns that the debt is still outstanding. Requires that the claim or judgment be accompanied by an invoice or other acceptable documentation of the unpaid account and any other information that may be required by the comptroller if the claim or judgment is for unpaid goods or services.

Forensic Analysts and the Texas Forensic Science Commission—S.B. 1287

by Senator Hinojosa—House Sponsor: Representatives Geren and Herrero

Under Texas law, crime laboratories practicing certain forensic disciplines are required to be accredited by the Department of Public Safety of the State of Texas (DPS). If the laboratory is not accredited, the analysis is not admissible in criminal cases. This law, among other significant achievements, has made Texas a national leader in forensic science reform.

However, accreditation is focused on the crime laboratory as an entity. While it requires the laboratory to meet certain standards; it does not measure the competency of individual forensic analysts to perform their jobs. Currently, analysts who engage in misconduct only face discipline within their laboratories. There is no mechanism to prevent those analysts from moving to another laboratory within the state. At the current time there is no requirement under Texas law that forensic examiners be certified or licensed to practice or testify in court, despite the fact that forensic analyses and related testimony are often the deciding factor in criminal cases. This bill:

Changes references to the public safety director of the DPS to the Texas Forensic Science Commission (TFSC) throughout the statutes.

Adds Sections 3-a, 4-a, 4-b, and 4-c to Article 38.01 (Texas Forensic Science Commission), Code of Criminal Procedure:

- Requires TFSC to adopt rules necessary to implement this article.
- Provides that a person may not act or offer to act as a forensic analyst unless the person holds a forensic analyst license.
- Authorizes TFSC to establish:
  - classifications of forensic analyst licenses if necessary to ensure the availability of properly trained and qualified forensic analysts to perform activities regulated by TFSC; and
  - voluntary licensing programs for forensic disciplines that are not subject to accreditation under this article.
- Requires TFSC by rule to:
  - establish the qualifications for a license that include certain education and testing requirements;
  - set fees for the issuance and renewal of a license; and
  - establish the term of a forensic analyst license.
- Authorizes TFSC by rule to recognize a certification issued by a national organization in an accredited field of forensic science as satisfying the requirements.
- Requires TFSC to issue a license to an applicant who submits an application on a form prescribed by TFSC, meets the qualifications established by TFSC rule, and pays the required fee.
- Requires TFSC to establish a nine-member advisory committee to advise TFSC and make recommendations on matters related to the licensing of forensic analysts.
- Sets forth the composition of the advisory committee, terms of members, and meetings.
- Provides that an advisory committee member is not entitled to compensation, but is entitled to reimbursement for actual and necessary expenses incurred in performing duties as a member of the advisory committee.
- Provides that Chapter 2110 (State Agency Advisory Committees), Government Code, does not apply to the advisory committee.

- Authorizes TFSC, on determining that a license holder has committed professional misconduct or violated this article or a rule or order of TFSC under this article, to revoke or suspend the person's license, refuse to renew the person's license, or reprimand the license holder.
- Authorizes TFSC to place on probation a person whose license is suspended.
- Provides that if a license suspension is probated, TFSC may require the license holder to:
  - report regularly on matters that are the basis of the probation; or
  - continue or review continuing professional education until the license holder attains a degree of skill satisfactory to TFSC in those areas that are the basis of the probation.
- Provides that TFSC disciplinary proceedings are governed by Chapter 2001 (Administrative Procedure), Government Code, and that hearings must be conducted by an administrative law judge of the State Office of Administrative Hearings.

Strikes a provision providing that certain funds must be deposited in the state treasury to the credit of the state highway fund.

Requires TFSC to establish a method for collecting DNA and other forensic evidence related to unidentified bodies located less than 120 miles from the Rio Grande River.

Requires TFSC, not later than January 1, 2016, to appoint the members of the advisory committee.

Requires TFSC, not later than January 1, 2017, to make recommendations to the legislature regarding suggested changes to the licensing of forensic analysts as established by this Act.

Nonsubstantive Additions to and Corrections of Enacted Codes—S.B. 1296

by Senator West—House Sponsor: Representative Giddings

The Texas Legislative Council (TLC) is required by law (Section 323.007, Government Code) to carry out a complete nonsubstantive revision of the Texas statutes. The process involves reclassifying and rearranging the statutes in a more logical order, employing a numbering system and format that will accommodate future expansion of the law, eliminating repealed, invalid, duplicative, and other ineffective provisions, and improving the draftsmanship of the law if practicable, all toward promoting the stated purpose of making the statutes "more accessible, understandable, and usable" without altering the sense, meaning, or effect of the law. This bill:

Makes corrections to certain codes, conforms other laws to the codes, and codifies other existing laws as new provisions in the codes. Makes various other nonsubstantive amendments to enacted codes, including amendments to conform the codes to acts of previous legislatures, correct references and terminology, properly organize and number the law, and codify other law that belongs in those codes.

Limited Purpose Disaster Declaration Authority—S.B. 1465

by Senator Watson—House Sponsor: Representatives Phillips and Alonzo

Under Chapter 418 (Emergency Management), Government Code, the governor of the State of Texas (governor) has the authority to declare a state of disaster. Disaster declarations under this statute allow the

governor to control access to certain areas of the state, designate evacuation routes, and commandeer private property as the governor deems necessary. However, in most situations it is unnecessary to issue a full disaster declaration, and there is confusion regarding the extent and application of the governor's emergency powers in the event of a localized disaster. S.B. 1465 creates a limited purpose disaster declaration, which the governor may implement in the event of a localized emergency. This bill:

Authorizes the governor, if the governor determines that a disaster can be adequately addressed without invoking all the powers and duties of a disaster declaration, to issue by proclamation or executive order a limited purpose disaster declaration, according to which he may suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business or the orders or rules of a state agency.

Requires the Texas Division of Emergency Management (division) to establish and operate, subject to the availability of funds, a search and rescue task force in each field response region established by the division to assist in search, rescue, and recovery efforts before, during, and after a natural or man-made disaster.

Availability of Death Records of Unidentified Persons—S.B. 1485

by Senator Garcia—House Sponsor: Representative Guillen

Texas border deaths have increased at an alarming rate and are difficult to track. Several human rights organizations are working to monitor the deaths to address the problem and help identify the remains. Death records are currently exempt from the public information act for 25 years, which hinders the ability of an organization to track the number and location of unidentified border deaths. This bill:

Provides that death records of unidentified persons are public information one year after the date of death.

National Day of the Cowboy—S.B. 1522

by Senator Estes—House Sponsor: Representative Pickett

National Day of the Cowboy seeks to commemorate the rich and enduring cowboy heritage present in the United States. This bill:

Designates the fourth Saturday in July as National Day of the Cowboy.

Requirements for Reporting Unclaimed Mineral Proceeds—S.B. 1589

by Senator Zaffirini—House Sponsor: Representative Guillen

Unclaimed mineral proceeds are generated when a mineral production company cannot identify or locate a mineral rights owner for a particular well or property. After three years, the unclaimed proceeds become subject to state unclaimed property law, which requires a holder of unclaimed minerals proceeds to submit them to the comptroller of public accounts of the State of Texas (comptroller). In 2013, the legislature created the Unclaimed Mineral Proceeds Commission (UMPC) to study and provide recommendations regarding the distribution of unclaimed mineral proceeds. The comptroller reported in December 2014 that $410 million in reported unclaimed mineral proceeds are available to be claimed, but information related to

the wells or properties that generated the mineral proceeds is not available. Accordingly, the UMPC recommended that the legislature increase reporting requirements for unclaimed mineral proceeds to include information regarding the property from which the proceeds were generated. Current law requires a holder of unclaimed mineral proceeds to submit any available information about the last known owner of the proceeds; it does not, however, require holders to submit information related to the property from which the proceeds were generated. Without property-specific information, it is difficult for persons who have inherited property or mineral rights to determine whether unclaimed mineral proceeds were generated by a well on property that they own. This bill:

Requires a holder of mineral proceeds under Chapter 75, Property Code, that is regulated by the Railroad Commission of Texas under Chapter 91, Natural Resources Code, to include in the property report for the proceeds, in addition to other required information: the lease, property, or well name; any lease, property or well identification number used to identify the lease, property, or well; and the county in which the lease, property, or well is located.

Provides that the information reported under this Act is confidential and not subject to disclosure under Chapter 552, Government Code, except as determined by the comptroller under Section 74.501 (Claim Filed with Comptroller), Property Code. Assigns certain specified recordkeeping duties to the comptroller.

Texas Achieving a Better Life Experience (ABLE) Program—S.B. 1664

by Senator Perry et al.—House Sponsor: Representative Burkett

The federal Achieving a Better Life Experience Act (ABLE Act) of 2014 was enacted to encourage and assist individuals and families in saving private funds for the purpose of supporting individuals with disabilities to maintain health, independence, and quality of life. The ABLE Act allows states to pass enabling legislation to authorize the establishment of the Achieving a Better Life Experience Program under which contributions can be made to a special account to meet qualified disability expenses and plan for the future without the fear of losing eligibility for Medicaid, ensuring that these individuals have an opportunity to live more independent, self-directed, and meaningful lives. Although Congress passed the ABLE Act, states must pass legislation to enact ABLE accounts. This bill:

Creates the Texas Achieving a Better Life Experience Program (ABLE program) and Texas ABLE savings plan account (ABLE account) as authorized by federal law. Requires the Prepaid Higher Education Tuition Board (board) to administer the program.

Provides that the ABLE account is established as a trust fund outside the state treasury to be financed through fees authorized under the bill. Provides that the contributions to a participant's ABLE account and the earnings on those contributions are used to finance a beneficiary's qualified disability expenses.

Requires the board, in administering the ABLE program, to:

- develop and provide related information for participants and their families;
- enter into agreements with any financial institution or any state or federal agency to administer the program;
- invest participant funds in appropriate investment instruments; and
- provide annual financial reports.

Certain Exceptions to the Texas Controlled Substances Act—S.B. 1666
by Senator Hancock—House Sponsor: Representative Larson

To curtail the illegal manufacturing of controlled substances, Chapter 481 (Texas Controlled Substances Act), Health and Safety Code, requires a person who sells, transfers, or otherwise furnishes chemical laboratory apparatuses, such as beakers and flasks, to keep detailed records of all transactions related to the apparatuses. For chemical manufacturing companies legally engaged in commercial chemical manufacturing activities, this includes recordkeeping for a significant number of apparatuses. In the interest of reducing regulatory burdens on chemical manufacturers, S.B 1666 excepts chemical manufacturers engaged in certain legal chemical manufacturing activities in a highly secure environment from various recordkeeping and reporting requirements. Should a manufacturer fail to meet and maintain any of the standards established by S.B 1666, it would again be subject to the recordkeeping and reporting requirements of the Texas Controlled Substances Act. This bill:

Amends Chapter 481 (Texas Controlled Substances Act), Health and Safety Code, to exempt chemical manufacturers engaged in certain specified commercial research and development from the record-keeping requirements of Section 481.080 (Chemical Laboratory Apparatus Record-Keeping Requirements and Penalties), Health and Safety Code, if certain criteria are met as set forth.

Payable on Death Account—S.B. 1791
by Senator Ellis—House Sponsor: Representative Farrar

Current Texas law allows banks to create Payable on Death (POD) accounts. A POD account transfers a financial account to another person on the account holder's death, allowing a named beneficiary to avoid probate and have access to the account immediately on the death of the account holder. Texas law sets forth a uniform form that financial institutions may use for account selection. This bill:

Requires financial institutions to disclose certain information regarding a POD account and other multi-party accounts to people who are opening or modifying an account.

Requires account holders to initial each paragraph of the statutory form.

Requires a financial institution, if it does not use the statutory form, to:

- disclose the required information separately from other account information;
- provide such information before account selection or modification;
- print the disclosure in 14-point bold-faced type; and
- if the discussions preceding the account selection or modification take place primarily in another language, provide the disclosures in that language.

Authorizes a credit union that varies the format of the form to make the required disclosures in the account agreement or in any other form.

Authorizes a credit union, if the customer receives disclosure of the ownership rights to an account and the names of the parties are indicated, to combine any of the provisions in, and vary the format of, the form and notices in:

- a universal account form with options listed for selection and additional disclosures provided in the account agreement; or
- any other manner that adequately discloses the required information.

Availability of Information Regarding Eminent Domain Authority—S.B. 1812
by Senators Kolkhorst and Schwertner—House Sponsor: Representative Geren

S.B. 18 (Estes et al.; SP: Geren et al.), 82nd Legislature, Regular Session, 2011, required entities with eminent domain authority to register with the comptroller of public accounts of the State of Texas (comptroller), which captured a snapshot of the eminent domain authority landscape in Texas. This one-time requirement, which did not apply to entities that were created or acquired the power of eminent domain after the registration deadline, captured a snapshot of such entities in Texas at a particular point in time. However, without requirements for continuous registration, the state has only a limited view of the extent to which such local powers of eminent domain apply. This bill:

Requires the comptroller to create and make accessible on a website maintained by the comptroller, not later than September 1, 2016, an eminent domain database with information regarding public and private entities, including common carriers, authorized by the state by a general or special law to exercise the power of eminent domain.

Requires that the eminent domain database include, with respect to each such entity:

- the name of the entity and the name of the appropriate officer or other person representing the entity;
- certain contact information for the entity and its representative, including the entity's website address if applicable;
- the type of entity;
- each provision of law that grants the entity eminent domain authority;
- the focus or scope of that authority;
- the earliest date on which the entity had the authority to exercise the power of eminent domain;
- the entity's taxpayer identification number, if any; and
- whether the entity exercised eminent domain authority in the preceding calendar year by the filing of a condemnation petition.

Requires the comptroller to annually update information in the eminent domain database for each entity, as appropriate, and to the extent possible, present information in the database in a manner that is searchable and intuitive to users.

Prohibits the comptroller from charging a fee to the public to access the eminent domain database.

Requires each public and private entity, including a common carrier, authorized by the state by a general or special law to exercise the power of eminent domain to annually submit to the comptroller a report containing records and certain specified information for the purpose of providing the comptroller with information to maintain the eminent domain database in the form and manner prescribed by the comptroller. Sets forth the timeline for the submission of such information. Requires that any changes to an

entity's eminent domain authority be reported to the comptroller not later than the 90th day after the date on which the change occurred.

Sets forth penalties for noncompliance. Provides that the reporting, failure to report, or late submission of a report by a public or private entity, including a common carrier, does not affect the entity's authority to exercise the power of eminent domain. Authorizes the comptroller to adopt rules and establish policies and procedures to implement these provisions.

Prevention and Detection of Cartel-Related Crimes—S.B. 1853

by Senator Lucio et al.—House Sponsor: Representative Phillips

During the 83rd legislative interim, various committees discussed issues pertaining to cartel-related crimes. Law enforcement officials informed the committees that certain regions of the state are at the epicenter of some these crimes (e.g., human trafficking) and that the state's highways are being used as corridors for related illegal activities. This bill:

Authorizes the Department of Public Safety of the State of Texas (DPS) to establish a program throughout this state for preventing and detecting:

- the unlawful possession or the unlawful and imminent movement or transfer between Texas and an adjacent state or the United Mexican States of firearms, controlled substances, and currency; and
- commission or imminent commission of the offenses of smuggling of persons and trafficking of persons occurring in Texas or involving travel between this state and an adjacent state or the United Mexican States.

Requires a peace officer participating in the program to have reasonable suspicion or probable cause to believe that such an offense has been committed or imminently will be committed before exercising the officer's authority under the program.

Requires DPS to establish:

- clear guidelines and procedures to mitigate any unnecessary negative impact on the flow of trade, commerce, or daily business activities in locations where the program is implemented; and
- protocols, standards, and guidelines to minimize any intrusion on a person in an encounter with a peace officer exercising the officer's authority under the program.

Requires DPS to implement the program in conjunction with federal and local law enforcement agencies.

Requires the public safety director to adopt rules as necessary to implement and administer the program.

Federal Refugee Resettlement Program—S.B. 1928

by Senator Seliger—House Sponsor: Representative Price

The Health and Human Services Commission (HHSC) offers refugee resettlement services to help refugee families attain economic independence and cultural adjustment after their arrival in the United States. The resettlement of refugees in the local communities is coordinated by local voluntary resettlement agencies

(VOLAGs). These entities work with national VOLAGs, the United States Department of State, and HHSC to determine the best place for these refugees to be resettled. A well-organized, systematic plan of engagement between local VOLAGs and stakeholders (i.e., school districts, local hospital districts, law enforcement, major employers, et cetera) is vital to the assurance of available resources within communities in which these refugees are placed. This bill:

Defines "local resettlement agency" and "national voluntary agency."

Requires the executive commissioner of the Health and Human Services Commission (executive commissioner) to adopt rules to ensure that local governmental and community input is included in any refugee placement report required under a federal refugee resettlement program and that governmental entities and officials are provided with related information. Requires the executive commissioner, in adopting the rules, to fulfill certain obligations set forth.

Personal Identification Certificate and Study on Digital Identification—S.B. 1934
by Senator Campbell—House Sponsor: Representative Rick Miller

Interested parties note that because the driver's license is the most prevalent source of identification in the United States, it is important to ensure that a driver's license and a similar source of identification, a state-issued identification card, are issued to the rightful person and not to a person whose intent is to perpetuate fraud or identity theft. These parties contend that the law governing the issuance of identification cards is not as stringent as the law governing the issuance of a driver's license. This bill:

Expands provisions regarding confidentiality of information related to an applicant's social security number provided on a driver's license application to include a personal identification certificate application.

Provides access to such information to an agency of another state responsible for issuing driver's licenses or identification documents.

Expands provisions regarding the use by the Department of Public Safety of the State of Texas (DPS) of an applicant's social security number relating to a driver's license to include a personal identification certificate.

Requires DPS to include in its legislative appropriations requests and budgets and in certain specified other reports performance measures on the percentage of complete and correct social security numbers on personal identification certificates.

Strikes a provision providing that a personal identification certificate does not expire if the applicant is 60 years of age or older.

Requires DPS to require an applicant to provide the applicant's social security number or proof that the applicant is not eligible for a social security number.

Provides that a person is not entitled to receive a:

- driver's license until the person surrenders to DPS each personal identification certificate in the person's possession that was issued by this state; or

- personal identification certificate until the person surrenders to DPS each driver's license in the person's possession that was issued by this state.

Requires DPS to conduct a study determining the feasibility of allowing the use of a digital driver's license displayed on an electronic device and to submit a detailed report of its findings and recommendations to the legislature not later than September 1, 2016.

Joint Interim Committee to Study TRS Health Benefit Plans—S.B. 1940

by Senator Huffman—House Sponsor: Representative Flynn et al.

Some health benefit plans under the Texas Public School Retired Employees Group Benefits Act and the Texas School Employees Uniform Group Health Coverage Act, administered by the Teacher Retirement System of Texas (TRS), are projected to face a funding shortage. Interested parties assert that without changes, the sustainability of those programs is at risk. This bill:

Creates a joint interim committee (committee) to study and review the health benefit plans operated under Chapters 1575 (Texas Public School Employees Group Benefits Program) and 1579 (Texas Public School Employees Uniform Group Health Coverage), Insurance Code.

Sets forth the composition of the committee and its powers and duties.

Requires the committee to assess the:

- financial soundness of the plans;
- cost and affordability of plan coverage to persons eligible for coverage under the plans; and
- sufficiency of access to physicians and health care providers under the plans.

Requires the committee, not later than January 15, 2017, to report the committee's findings and recommendations, including specific statutory and regulatory changes, to the lieutenant governor, the speaker of the house of representatives, and the governor.

Requires the lieutenant governor and speaker of the house of representatives, not later than the 60th day after the effective date of this Act, to appoint the members of the committee.

Provides that the committee is abolished January 20, 2017.

Deferred Maintenance Funding for State Facilities—S.B. 2004

by Senators Eltife and Nelson—House Sponsor: Representative Geren

Although many state-owned facilities are aging, there is no mechanism to appropriately fund deferred maintenance projects. Without these needs being addressed, costs will only increase. S.B. 2004 creates a plan to properly maintain state-owned facilities, which ensures a safe environment for employees and visitors, improves the efficiency of building operations, and reduces long-term repair costs by promptly addressing deferred maintenance issues. This bill:

Creates the Joint Oversight Committee on Government Facilities (committee) to review deferred maintenance plans and receive implementation updates.

Requires the committee to biannually provide a written status report to the legislature that includes the amount of money expended from the deferred maintenance fund, the deferred maintenance projects to be completed through expenditures from the fund, and the status of ongoing and completed projects.

Authorizes the committee to exercise any powers of a joint committee. Authorizes the cost of operation of the committee to be borne in the same manner as the cost of a joint committee. Authorizes the Texas Legislative Council to provide funding for the operations of the committee. Provides that, to the extent not inconsistent with this Act, the joint rules adopted by the 84th Legislature for the administration of joint interim legislative study committees apply to the committee.

Provides that it is the intent of the legislature under Section 2165.401 (Purpose; Intent), Government Code, that state facilities be brought into a better state of repair to ensure the safety of employees and visitors, the efficiency of building operations, and a long-term reduction in repair costs by addressing deferred maintenance needs. Provides that the deferred maintenance fund is created to fund projects for this purpose.

Provides that the deferred maintenance fund is an account in the general revenue fund. Provides that the fund consists of money appropriated, credited, or transferred to the fund by or at the direction of the legislature.

Transfer of Certain State Property From TJJD—S.B. 2054
by Senator Birdwell—House Sponsor: Representative Cook

Since the closure of the Texas Juvenile Justice Department (TJJD) facility in Corsicana (the Corsicana Residential Treatment Center), concerns have been raised about the maintenance, management, and long-term preservation of a cemetery adjoining the property. This cemetery inters many of the former residents of the youth home/orphanage for which the facility was used in the late 19th century and the majority of the 20th century, prior to its use as a youth lockup under TJJD. The State Orphans Home Alumni Association (SOHAA) has expressed a desire to take over and care for this small piece of property. TJJD currently has ownership and purview over this cemetery, and supports turning the property over to SOHAA. This bill:

Requires TJJD, not later than January 1, 2016, to donate and transfer to SOHAA the real property described in this Act.

Authorizes SOHAA to use the property only for preserving and maintaining the property as a cemetery to commemorate the former residents of the Corsicana State Home, formerly known as the State Orphans Home, who are buried there.

Provides that if SOHAA uses the property for any purpose, ownership of the property automatically transfers to the State of Texas.

Sets forth what the instrument of transfer must include.

Requires the General Land Office to retain custody of the instrument of transfer after the instrument of transfer is filed for recording in the real property records of Navarro County.

Describes the property to be transferred.

Securing the Texas-Mexico Border—S.C.R. 5

by Senator Estes et al.—House Sponsor: Representative Flynn

Pursuant to the United States Constitution, the federal government is vested with the responsibility to secure international borders. The federal government, however, has repeatedly refused to allocate the resources necessary to fulfill its constitutional duty to secure the nation's southern border with Mexico.

Over the past several years Washington has grown less responsive to border issues, and in some instances has made them significantly worse. Federal policies have resulted in serious security issues, which we have been forced to address at the state level. The resulting measures have taken at the state level have cost millions of taxpayer dollars.

It is the responsibility of the federal government to fully maintain the security of the Texas-Mexico international border. The federal government has neglected its duty to fully maintain the security of the Texas-Mexico international border. The federal government's failure to prevent illegal entry has shifted much of the responsibility to the State of Texas; consequently, budget writers must weigh the costs of border security against the expense of other state services; during the 2012-2013 fiscal biennium, Texas spent $222,068,318 on border security operations, and in the 2014-2015 fiscal biennium, $467,872,482. The executive branch and the United States Congress have consistently delayed meaningful action on border security, forcing Texas to expend significant resources to keep the international border with Mexico secure and placing an undue burden on the state's taxpayers. This resolution:

Provides that the 84th Legislature of the State of Texas hereby expresses its dissatisfaction with the federal government's inadequate efforts to secure the Texas-Mexico international border and respectfully urges the Congress of the United States to reimburse the State of Texas in the amount of $689,940,800 for bearing the financial burden of the federal government's responsibility to secure the Texas-Mexico international border from 2012 through 2015.

Ban on Crude Oil Exports—S.C.R. 13

by Senator Seliger et al.—House Sponsor: Representative Anchia

Since the United States Congress passed the Energy Policy and Conservation Act of 1975, the landscape of the oil and gas industry in the United States has changed dramatically, especially in Texas. Advances in technology and further exploration have led to significant increases in petroleum production. The efficient exploration, production, and transportation of oil in Texas prevents waste of the state's natural resources, contributes to the health, welfare, and safety of the general public, and promotes the prosperity of the state. The tax revenues and economic prosperity derived from oil and gas related industries have greatly benefited Texas schools, higher education, critical infrastructure development, and public health and safety programs. The world's other major developed nations allow crude oil exports, making America the only

nation that does not take full advantage of trading a valuable resource in what is an otherwise global free market. This resolution:

Provides that the ban on crude oil exports is an unwelcome remnant of an era of scarcity and price control policies.

Provides that lifting the ban on crude oil exports would result in a more efficient market and benefit United States trade and American consumers.

Provides that lifting the ban on crude oil exports would improve the geopolitical position of the United States and strengthen its allies.

Urges the United States Congress and the president of the United States to eliminate the current ban on crude oil exports.

Natural Gas Exports—S.C.R. 32

by Senator Bettencourt—House Sponsor: Representative Wu

This resolution:

Provides that the United States is the leading producer of natural gas, but that trade restrictions limit the potential of the industry.

Provides that lifting those trade restrictions would have positive economic and geopolitical impacts.

Urges the United States Congress to expedite natural gas exports.

Urging Congress to Relocate AFRICOM to Ellington Field Joint Reserve Base—S.C.R. 37

by Senator Larry Taylor et al.—House Sponsor: Representative Paul

The Pentagon could realize significant savings by relocating the United States Africa Command (AFRICOM) from Germany to Ellington Field Joint Reserve Base in Houston.

When AFRICOM was created in 2007, the Department of Defense (DOD) chose a temporary location in Stuttgart. DOD was intended to select a permanent headquarters in Africa, but set this plan aside due to cost projections and the sensitivities of African nations.

DOD conducted a study in 2012 that found maintaining AFRICOM headquarters stateside would cost $60 million to $70 million less per year. Although relocation would involve expense, this expense could be recouped within two to six years. The relocation would create as many as 4,300 additional jobs for United States residents, and it would have an annual impact on the local economy ranging from $350 million to $450 million.

Should DOD decide to relocate AFRICOM, Ellington Field Joint Reserve Base in Houston would be an ideal home for the headquarters; the base features strong joint service military value of active duty, reserve,

and guard units from all five United States armed services, some of which presently conduct training and operational missions for AFRICOM. It is also equipped to handle military aircraft, and the city boasts one of the nation's most vibrant ports. The community is exceptionally supportive of the military, and the Greater Houston area has strong cultural, educational, medical, and diplomatic ties with Africa.

The Government Accountability Office has concluded that the relocation of AFRICOM to the United States would generate tremendous cost savings and economic benefits, and Ellington Field Joint Reserve Base offers advantages that would enhance the effectiveness of the headquarters. This resolution:

Urges the United States Congress to direct DOD to relocate the United States Africa Command to Ellington Field Joint Reserve Base in Houston.

Provides that the Texas secretary of state forward official copies of this resolution to the president of the United States, to the secretary of DOD, to the president of the Senate and the speaker of the House of Representatives of the United States Congress, and to all the members of the Texas delegation to Congress with the request that this resolution be entered in the Congressional Record as a memorial to the Congress of the United States of America.

Portrait of Governor Rick Perry—S.C.R. 40

by Senator Hancock—House Sponsor: Representative Geren

It is a time-honored custom that the portrait of each outgoing governor of the State of Texas be hung in the Texas Capitol along with those of previous Texas governors. This resolution:

Authorizes a portrait of Governor Rick Perry to be placed in the Texas Capitol.

Holders of Motor Home Manufacturer's and Dealer's Licenses—H.B. 833

by Representative Clardy—Senate Sponsor: Senator Nichols

A provision of Texas law affects the ability of certain holders of motor home manufacturer's and dealer's licenses to continue their operations. One Texas-based manufacturer and retailer of motor homes closed one of its two dealerships due to poor economic conditions, but is now seeking to reopen a second dealership. However, that manufacturer and retailer is having difficulty doing so because the second dealership license is void based on the interpretation of current law. This bill:

Authorizes a person who held both a motor home manufacturer's and a motor home dealer's license as issued under Chapter 2301 (Sale or Lease of Motor Vehicles), Occupations Code, on June 7, 1995, to operate as both a manufacturer and dealer of motor homes but of no other type of vehicle and to hold a motor home manufacturer's license, a general distinguishing number issued under Chapter 503 (Dealer's and Manufacturer's Vehicle License Plates), Transportation Code, and not more than two franchised dealer's licenses.

Transfer of Ownership of Boats or Outboard Motors—H.B. 1466

by Representative Dennis Bonnen—Senate Sponsor: Senator Huffman

There has been a recent increase in the number of boats being abandoned in the state's coastal waterways. Many of these abandoned vessels have identification numbers that enable the vessel to be tracked back to the last recorded owner, however, it is often difficult to locate or verify the last owner of a vessel and hold that person accountable for the removal of the vessel because the last recorded owner of such a vessel often denies ownership, claiming that the vessel had been sold or transferred to a new owner. This bill:

Requires that an application for the renewal of each certificate of number be prepared by the Texas Parks and Wildlife Department (TPWD) and mailed to the owner of the vessel, or sent electronically to the owner if the owner has agreed to receive TPWD communications electronically, during the period of the last 90 days before the expiration date of the certificate. Requires that the same number be issued on renewal.

Requires the recorded owner of a vessel numbered in Texas to notify TPWD not later than the 20th day after the date of the transfer by sale, donation, gift, permanent removal of the vessel to another state or country, destruction or disposal of the vessel, or other means of all or any part of the owner's interest in the vessel, other than the creation of a security interest in the vessel, rather than within a reasonable time of the transfer of all or any part of his interest in the vessel, other than the creation of a security interest.

Requires TPWD to cancel the certificate of number and enter the cancellation in its records if the vessel is destroyed, disposed of, or permanently moved to another state or country, rather than if the vessel is destroyed or abandoned.

Requires the new owner of a vessel to, not later than the 20th day after the date ownership was transferred, submit an application to TPWD with evidence of ownership, the new owner's name and address, the number of the vessel, and a fee of $2 or an amount set by the Texas Parks and Wildlife Commission whichever amount is more.

Provides that a recorded owner who fails to file notification in accordance with Section 31.037 Change in Ownership Interest), Parks and Wildlife Code, is subject to the penalties under Section 31.127 (Penalties), Parks and Wildlife Code, and is subject to the removal costs under Section 40.108 (Derelict Vessels and Structures), Natural Resources Code, and penalties under Chapter 40 (Oil Spill Prevention and Response Act of 1991), Natural Resources Code, as the person considered responsible for an abandoned vessel or outboard motor.

Regulation of Metal Recycling Entities—H.B. 2187

by Representative Smith et al.—Senate Sponsor: Senators Larry Taylor and Creighton

Losses from the theft of regulated metals—an increasingly ubiquitous class of crimes—include not only the lost value of the stolen material but also the losses resulting from associated damage to property and equipment. Although current law regulates the sale of certain valuable metals, such as copper and brass, and requires certain tracking procedures in order to aid detection of stolen metal transactions, the growth of metal thefts in Texas indicates the inefficacy of current measures. This bill:

Provides that Chapter 1956 (Metal Recycling Entities), Occupations Code, does not apply to a purchase of regulated material from a telecommunications provider, a cable service provider, or a video service provider.

Increases the composition of the advisory committee established by the Department of Public Safety of the State of Texas (DPS) to advise DPS on matters related to the regulation of metal recycling entities to include one sheriff of a county with a population of 500,000 or more and one sheriff of a county with a population of less than 500,000.

Adds additional regulations on certain metals bought by metal recyclers.

Authorizes the Public Safety Commission to assess administrative penalties against persons or entities who violate these regulations.

Regulation of Medical Waste—H.B. 2244

by Representatives Zerwas and Villalba—Senate Sponsor: Senator Creighton

The transportation, storage, and treatment of medical waste is regulated by the Texas Commission on Environmental Quality (TCEQ) under its general authority to regulate municipal solid waste. However, medical waste, which is packed into sealed containers at the point of generation (hospitals, clinical labs, physicians' offices) and transported in that fashion to disposal facilities, is processed differently than municipal solid waste. Pathological waste is incinerated, while all other medical waste is disinfected in an autoclave or microwave, after which it becomes municipal solid waste and is disposed of in a landfill. Because the treatment and disposal of regulated medical waste is subsumed by rules governing the treatment and disposal of municipal solid waste, there are numerous regulations applicable only to landfills and to municipal solid waste that are irrelevant to medical waste. Regulations designed to govern landfills and municipal waste impose administrative burdens and costs on medical waste disposal companies. This bill:

Provides that TCEQ is responsible for the regulation of the handling, transportation, storage, and disposal of medical waste.

Requires TCEQ to accomplish the purposes of this Act by requiring a permit, registration, or other authorization for and otherwise regulating the handling, storage, disposal, and transportation of medical waste. Requires TCEQ to adopt rules as necessary.

Requires TCEQ, in matters relating to medical waste regulation, to consider water pollution control and water quality aspects, air pollution control and ambient air quality aspects, and the protection of human health and safety.

Provides that rules adopted to regulate the operation of municipal solid waste storage and processing units apply in the same manner to medical waste only to the extent that the rules address certain specified criteria.

Requires that medical waste facilities, on-site treatment services, and mobile treatment units that send treated medical waste, including sharps or residuals of sharps, to a solid waste landfill include a statement to the solid waste landfill that the shipment has been treated by an approved method in accordance with 25 T.A.C. Section 1.136 (relating to Approved Methods of Treatment and Disposition). Provides that home-generated wastes are exempted from this requirement.

Prohibits TCEQ from requiring, in a facility that handles medical waste processing or storage, a minimum distance greater than 25 feet between the processing equipment or storage area and the facility's boundary. Establishes that this provision does not apply to a storage unit as long as waste contained in transport vehicles for more than 72 hours is refrigerated below 45 degrees. Authorizes TCEQ to consider alternatives to the buffer zone requirements for permitted, registered, or otherwise authorized medical waste processing and storage facilities.

Requires TCEQ, not later than June 1, 2016, to adopt rules to implement the changes in law made by this Act. Requires that the rules be adopted in the form of a new chapter of the Texas Administrative Code that includes all rules of TCEQ relating to medical waste regulation.

Requires that rules adopted to implement the changes in law made by this Act minimize the effect on other rules regulating municipal solid waste facilities.

Boiler Inspections—H.B. 3091

by Representative Miles—Senate Sponsor: Senator Eltife

The Texas Department of Licensing and Regulation (TDLR) helps ensure boiler safety in Texas through oversight of the safety inspections for the more than 52,000 boilers located across the state. While a portion of these boiler safety inspections are performed by boiler inspectors on TDLR staff, the remainder are performed by authorized private sector boiler inspectors who typically work for organizations affiliated with an insurance company that provides boiler insurance. There have been instances when TDLR must ensure that a boiler inspection is completed after an insurance company drops the insurance coverage for the boiler. Instead of staffing more boiler inspectors to complete these inspections, TDLR should have the

authority to use additional inspection agencies, not necessarily those affiliated with insurance companies. This bill:

Authorizes the Texas Commission of Licensing and Regulation to adopt standards for an inspection agency to be authorized by TDLR to provide boiler inspections.

Combative Sports Advisory Committee—H.B. 3315

by Representative Gutierrez—Senate Sponsor: Senator Eltife

Participants in the recent Texas Department of Licensing and Regulation (TDLR) strategic planning process identified a need for the medical advisory committee advising TDLR to have a broader focus in its consideration of combative sports-related issues and recommended altering the committee's composition to provide the panel with additional expertise regarding such issues. Interested parties have suggested an expansion of the medical advisory committee's membership to include not only licensed doctors, emergency medical technicians, and public members, but also licensed referees, licensed judges, and licensed boxing and mixed martial arts promoters. This bill:

Renames the Medical Advisory Committee appointed by the presiding officer of the Texas Commission of Licensing and Regulation to the Combative Sports Advisory Board. Expands the issues on which the board is to provide advice.

Standards for Elevators and Escalators—H.B. 3741

by Representative Smith—Senate Sponsor: Senator Eltife

The Texas Department of Licensing and Regulation (TDLR) is responsible for regulating elevators and escalators, including requirements for annual equipment inspections. When an elevator, escalator, or related equipment is out of compliance with safety laws and rules, it must be completely shut down and disconnected. TDLR has identified a less expensive and safer way to make noncompliant equipment unavailable for use while it is out of compliance: adopt rules and standards for an "out of use" status that would not require the equipment to be fully disconnected while out of compliance. Advocates contend that this status would postpone the required annual inspection until the equipment is brought into compliance with safety rules and help building owners avoid potential enforcement proceedings for failure to have annual inspections completed on equipment that is out of service. This bill:

Requires the Texas Commission of Licensing and Regulation to adopt standards for the removal from service of elevators, escalators, and related equipment used by the public in certain public buildings.

Authorizes the executive director of TDLR to charge a reasonable fee for applying to remove such equipment from service and exempts equipment that has been removed from service from the annual inspection requirement.

Licensing by Texas Department of Licensing and Regulation—H.B. 3742
by Representative Smith—Senate Sponsor: Senator Eltife

The Texas Department of Licensing and Regulation (TDLR) has identified certain benefits of establishing alternative means of verifying a person's eligibility for a license that is issued by TDLR. This bill:

Provides for the adoption of alternative means of determining or verifying a person's eligibility for a license issued by TDLR, including evaluating the person's education, training, experience, and military service.

Prohibited Conduct by an Alcoholic Beverage Licensee—H.B. 3982
by Representative Romero Jr. et al.—Senate Sponsor: Senator Lucio

Certain bars are reportedly engaging in an unscrupulous practice in which an employee of the bar is encouraged to solicit beverages from a patron and charge the patron more than the beverage's listed price. The bar employee has an incentive to drink as many beverages as possible because they are given a percentage of the solicited, overpriced beverages. According to concerned parties, it is common for an employee to induce vomiting in order to maximize the number of drinks they can solicit and consume. This bill:

Includes a solicitation to buy drinks for consumption by a beer retailer or any of the retailer's employees among the prohibited conduct of an alcoholic beverage licensee.

Establishes that such a prohibited solicitation is presumed if an alcoholic beverage is sold or offered for sale for an amount in excess of the retailer's listed, advertised, or customary price.

Governmental Entities Subject to the Sunset Review Process—H.B. 3123

by Representative Price—Senate Sponsor: Senator Nelson

State agencies undergo periodic review by the Sunset Advisory Commission (Sunset). The legislature frequently changes the review schedule for certain agencies to balance the workload of Sunset and to better align the reviews of agencies by grouping them based on subject matter. This bill:

Extends the date on which the Texas Facilities Commission, Texas Juvenile Justice Board, and Texas Juvenile Justice Department are abolished, unless otherwise continued, to September 1, 2021.

Provides that an intermunicipal commuter rail district will be reviewed in 2021 and every 12th year after that year, rather than every 12th year.

Provides a 2023 sunset date to the Expanded Learning Opportunities Council, the State Commission on Judicial Conduct, the Judicial Branch Certification Commission, and the Texas Racing Commission.

Provides a 2025 sunset date to the Texas Education Agency and the state employee charitable campaign policy committee.

Removes from sunset review the Sulphur River Basin Authority, the Port Of Houston Authority of Harris County, Texas, and the Capital Metropolitan Transportation Authority.

Sunset Review of River Authorities—S.B. 523

by Senator Birdwell et al.—House Sponsor: Representative Keffer

River authorities have expanded in size and mission to the point that oversight and a periodic review have become necessary. River authorities independently operate and manage an asset that the state owns, and a sunset review of these entities will result in a more consistent and uniform system of managing state water, greater transparency, and increased accountability to Texans. This bill:

Provides that the Angelina and Neches River Authority, Central Colorado River Authority, Bandera County River Authority and Groundwater District, Central Colorado River Authority, Guadalupe-Blanco River Authority, Lavaca-Navidad River Authority, Lower Colorado River Authority, Lower Neches Valley Authority, Nueces River Authority, Palo Duro River Authority, Red River Authority of Texas, Sabine-Neches Conservation District, Brazos River Authority, San Antonio River Canal and Conservancy District, San Jacinto River Conservation and Reclamation District, Sulphur River Basin Authority, Trinity River Authority of Texas, Upper Colorado River Authority, and Upper Guadalupe River Authority are subject to review under the Texas Sunset Act, Chapter 325 (Sunset Law), Government Code, and may not be abolished but must undergo periodic reviews conducted under Section 325.025 (River Authorities Subject to Review), Government Code.

Requires a river authority to pay the cost incurred by the Sunset Advisory Commission (commission) in performing a review of the authority under this section. Requires the commission to determine the cost and requires the authority to pay the amount promptly on receipt of a statement from the commission detailing the cost.

Computation and Rates of the Franchise Tax—H.B. 32

by Representative Dennis Bonnen et al.—Senate Sponsor: Senator Nelson et al.

H.B. 32 amends current law relating to the computation and rates of the franchise tax and decreases tax rates. The franchise tax is computed at a rate of one percent taxable margin for most taxpayers and 0.5 percent of taxable margin for retailers and wholesalers. H.B. 32 reduces the franchise tax rate by 25 percent, increases the rate of the threshold for businesses to use the E-Z Computation (Form 05-169) from $10 million in margin revenue to $20 million, and reduces the tax rate of 0.575 percent to 0.331 percent for taxable entities electing to use the E-Z Computation. These reductions result in $2.56 billion in franchise tax relief, which will support businesses, maintain a strong economy, and increase the number of jobs. This bill:

Provides that the rate of the franchise tax is 0.75 percent of the taxable margin and 0.375 percent of the taxable margin for taxable entities primarily engaged in retail or wholesale trade.

Authorizes a taxable entity whose total revenue from its entire business is not more than $20 million to elect to pay the franchise tax in the amount computed using the E-Z Computation Form rather than in the amount computed and at the tax rate provided by Section 171.002 (Rates; Computation of Tax), Tax Code.

Provides that the amount of the tax for which a taxable entity is required to pay can be computed by determining the amount of a taxable entity's total revenue from its entire business, as determined under Section 171.1011 (Determination of Total Revenue from Entire Business), Tax Code, or the income listed on line 1c, Internal Revenue Service Form 1120, and multiplying this amount by the rate of 0.331 percent.

Requires the comptroller of public accounts of the State of Texas to conduct a comprehensive study no later than September 30, 2016, to identify the effects of economic growth on future state revenues. Requires that the results of the study be reported to the governor and the Legislative Budget Board and that the report identify revenue growth allocation options to promote efficiency and sustainability in meeting the revenue needs of this state, including revenues allocated by Section 171.4011, Tax Code, upon repeal of the franchise tax.

Rates of Sales and Use Taxes Imposed by Municipalities—H.B. 157

by Representatives Larson and Springer—Senate Sponsor: Senator Eltife

Current law provides a maximum rate at which all combined local sales and use taxes may be imposed and also limits the rates at which municipalities in Texas may impose specific taxes for, among other purposes, street maintenance, venue projects, property tax relief, economic development, and crime control and prevention. These restrictions, in conjunction with the maximum combined local sales and use tax rate, are viewed as a limit on municipalities' fiscal flexibility in responding to local needs. H.B. 157 does not allow any local jurisdiction to exceed the tax percent cap but it allows greater flexibility for local jurisdictions in determining which increments are to be applied for different purposes, as long as the overall local tax rate does not exceed two percent. This bill:

Provides that the rate of a tax adopted by a county must be one-eighth, one-fourth, three-eighths, or one-half of one percent, while the rate of the tax adopted by a municipality may be any rate that is an increment of one-eighth of one percent that the municipality determines is appropriate, and that would not result in a

combined rate that exceeds the maximum combined rate prescribed by Section 321.101(f) (prohibiting a municipality from adopting or increasing a sales and use tax above two percent), Tax Code.

Provides that a municipality that has adopted a sales and use tax at any rate, and a county that has adopted a sales and use tax under a rate of less than one-half of one percent, may by ordinance or order increase the rate of the tax if the increase is approved by a majority of the registered voters of that municipality or county voting at an election called and held for that purpose. Provides that the ballot for an election to increase the tax shall be printed to permit voting for or against the proposition and include a description of the venue project at the increased tax rate.

Use of Proceeds From Sporting Goods Sales Tax—H.B. 158
by Representative Larson et al.—Senate Sponsor: Senator Estes

While a portion of the sales tax revenue generated by sporting goods-related transactions is allocated to the Texas Parks and Wildlife Department (TPWD) and the Texas Historical Commission (THC), the amount received by these agencies is subject to legislative appropriation. As many parks across the state face millions of dollars in maintenance needs and others are threatened with closure, the legislature should not have discretion to divert a large percentage of revenue from the sales tax on sporting goods on items unrelated to TPWD and THC, nor should the legislature be allowed to use this revenue to certify the budget. This bill:

Provides that money credited to TPWD accounts as a result of the proceeds from the collection of the taxes imposed under Chapter 151 (Limited Sales, Excise, and Use Tax), Tax Code, on the sale, storage, or use of sporting goods may be appropriated only for the following purposes: to acquire, operate, maintain, and make capital improvements to parks; for a purpose authorized under Chapter 24 (State Assistance for Local Parks), Parks and Wildlife Code; and to fund the state contributions for employee benefits of Parks and Wildlife Department employees whose salaries or wages are paid from those department accounts.

Exemption From Ad Valorem Taxation of Certain Farm Products—H.B. 275
by Representative Ashby et al.—Senate Sponsor: Senator Nichols

Currently, there is no statutory designation for eggs as a poultry product for taxation purposes. H.B. 275 amends the Tax Code to establish an egg as a farm product, which allows eggs to be considered as property for the property tax exemption for farm products. Furthermore, the designation of an egg as a farm product is independent of the packaging for the egg. This bill:

Provides that a producer is entitled to an exemption from taxation under Section 11.16 (Farm Products), Tax Code, of the farm products that the producer produces and owns. Provides that an egg, as defined by Section 132.001 (Definitions), Agriculture Code, is a farm product for purposes of this section, regardless of whether the egg is packaged.

Includes eggs in the list of items considered to be "in the hands of the producer" under the ownership of the person who is financially providing for the physical requirements of such items on January 1 of the tax year.

Renewable Energy Devices Exempt From Ad Valorem Taxation—H.B. 706

by Representative Farrar—Senate Sponsor: Senator Huffman

Texas law provides for a property tax exemption on the appraised value arising from the installation or construction of a solar or wind-powered energy device for on-site energy generation. Property owners must file for an exemption with the appraisal district each year, a process that can be burdensome on both the property owner and the appraisal district. H.B. 706 removes the need to reapply for the exemption after it is initially granted. Under this procedure, the exemption would continue to apply to the property until ownership changes or the person's qualification changes. Additionally, an appraiser could require a person to file a new application in subsequent years. This bill:

Amends Section 11.43(c) (application for ad valorem tax exemption), Tax Code, to remove the requirement that an exemption from ad valorem taxes for the installation of solar or wind-powered energy devices be claimed in subsequent years and applies to the property until it changes ownership or the person's qualification for the exemption changes.

Taxation on Property Related to Processing Landfill-Generated Gas—H.B. 994

by Representative Anchia et al.—Senate Sponsor: Senators West and Hinojosa

Although H.B. 1736 (Anchia et al.; SP: West), 83rd Legislature, Regular Session, 2013, attempted to address some of the significant economic challenges facing landfills that capture and convert landfill-generated methane into renewable natural gas, which is an environmentally friendly form of fuel, H.B. 1736 provided only a temporary exemption that will soon expire. Landfills will face significant economic hardships to implement a natural gas collection process. H.B. 994 will make the property tax exemption authorized last legislative session permanent to ensure the continued growth of projects that capture harmful methane gas at landfills. This bill:

Repeals several provisions of Section 11.311 (Temporary Exemption: Landfill-Generated Gas Conversion Facilities), Tax Code, including the expiration date of the exemption.

Provides that a person is entitled to an exemption from taxation of tangible personal property that is located on or in close proximity to a landfill and is used to: collect gas generated by the landfill; compress and transport the gas; process the gas so that it may be delivered into a natural gas pipeline or used as a transportation fuel in methane-powered on-road or off-road vehicles or equipment; and deliver the gas into a natural gas pipeline or to a methane fueling station.

Requires that the property used for landfill-generated gas conversion be appraised as tangible personal property for ad valorem tax purposes, regardless of whether the property is affixed to or incorporated into real property.

Provides that the tax exemption does not apply to tangible personal property located on or in close proximity to a landfill that is not used in landfill-generated gas conversion.

Exemption From Ad Valorem Taxation for Life Estate—H.B. 1022
by Representative Moody et al.—Senate Sponsor: Senator Rodríguez

H.B. 1022 amends current law relating to the eligibility for an exemption from ad valorem taxation of the residence homestead of certain persons with a life estate in the homestead property. Although current law entitles certain persons to a residence homestead property tax exemption, the exemption does not extend to an otherwise eligible surviving spouse who was bequeathed a life estate in property instead of ownership in fee simple. For purposes as it relates to the residence homestead property tax exemption, H.B. 1022 amends the term "residence homestead" in the Tax Code to be defined as property occupied by an owner's surviving spouse who has a life estate in the property. This bill:

Amends the term "residence homestead" to mean a structure (including a mobile home) or a separately secured and occupied portion of a structure (together with the land, not to exceed 20 acres, and improvements used in the residential occupancy of the structure, if the structure and the land and improvements have identical ownership) that is owned by one or more individuals, either directly or through a beneficial interest in a qualifying trust; is designed or adapted for human residence; is used as a residence; and is occupied as the individual's principal residence by an owner, by an owner's surviving spouse who has a life estate in the property, or, for property owned through a beneficial interest in a qualifying trust, by a trustor or beneficiary of the trust who qualifies for the exemption.

Provides that this Act applies only to an ad valorem tax year that begins on or after the effective date of this Act.

Report by the Comptroller on the Effect of Tax Provisions—H.B. 1261
by Representative Susan King—Senate Sponsor: Senator Uresti

The Comptroller of Public Accounts of the State of Texas (comptroller) is required to report information related to certain tax exemptions to the legislature and the governor before each regular legislative session. The comptroller has described the occasional difficulty in determining the effect of a tax exemption, which in turn makes it difficult for the legislature to determine the cost of an exemption to the state. H.B. 1261 requires the comptroller to explain why such tax exemptions cannot be determined in order to provide transparency to the legislature and the governor. This bill:

Amends Section 403.014 (Report on Effect of Certain Tax Provisions), Government Code, to require the comptroller, in preparing the report under Subsection (a) (report to the legislature and the governor on the effect of exemptions, discounts, exclusions, special valuations, and special rates), if actual data is not available, to use available statistical data to estimate the effect of an exemption, discount, exclusion, special valuation, special accounting treatment, special rate, or special method of reporting relating to a tax. Requires the comptroller, if the report states that the effect of a particular tax preference cannot be determined, to include in the report a complete explanation of why the comptroller reached that conclusion.

Canceling the Ad Valorem Tax Exemption of a Senior Citizen—H.B. 1463

by Representative Raymond—Senate Sponsor: Senator Uresti

H.B. 1463 provides senior citizens greater security in their dealings with county appraisal boards. Because senior citizens may struggle with mobility issues, hearing or vision impairment, and other ailments, these individuals should be given additional time and opportunities to respond to appraisal districts before having their exemption cancelled. H.B. 1463 requires the chief appraiser to mail a written notice of the potential ineligibility to the property owner before an appraisal district may determine that a residence owned by someone 65 or older is no longer eligible for a homestead tax exemption. The notice must contain a form on which the owner may indicate that he or she remains entitled to the exemption. The appraiser must make a reasonable effort to contact the landowner and gather his or her opinion on the issue of exemption eligibility if the appraiser does not receive the return form within 60 days. This bill:

Amends Section 1.07 (Delivery of Notice), Tax Code, to prohibit the chief appraiser from cancelling the residence homestead exemption of a person previously allowed the exemption who is 65 years of age or older who fails to file the new application unless the chief appraiser complies with the requirements in this section.

Prohibits the chief appraiser from cancelling an exemption under Section 11.13 (Residence Homestead), Tax Code, that is received by an individual who is 65 years of age or older without first providing written notice of the cancellation to the individual receiving the exemption. Provides that the notice must include a form on which the individual may indicate whether the individual is qualified to receive the exemption and a self-addressed postage prepaid envelope with instructions for returning the form to the chief appraiser. Requires the chief appraiser to consider the individual's response on the form in determining whether to continue to allow the exemption. Authorizes the chief appraiser, upon receiving no response on or before the 60th day after the date the notice is mailed, to cancel the exemption on or after the 30th day after the expiration of the 60-day period, but only after making a reasonable effort to locate the individual and determine whether the individual is qualified to receive the exemption. Provides that sending an additional notice of cancellation that includes, in bold font equal to or greater in size than the surrounding text, the date on which the chief appraiser is authorized to cancel the exemption to the individual receiving the exemption immediately after the expiration of the 60-day period by first class mail in an envelope on which is written, in all capital letters, "RETURN SERVICE REQUESTED," or another appropriate statement directing the United States Postal Service to return the notice if it is not deliverable as addressed, or providing the additional notice in another manner that the chief appraiser determines is appropriate, constitutes a reasonable effort on the part of the chief appraiser.

Provides that the change in law made by this Act applies only to an action taken by a chief appraiser to cancel a residence homestead exemption from ad valorem taxation that is received by an individual who is 65 years of age or older on or after the effective date of this Act.

Appraising Agricultural or Open-Space Land for Senior Citizens—H.B. 1464

by Representative Raymond et al.—Senate Sponsor: Senator Zaffirini

H.B. 1464 ensures that seniors (persons 65 years of age or older) have sufficient amount of time to respond to appraisal districts before their property taxes are increased. Many seniors struggle with mobility issues and hearing and vision impairments, making it difficult for them to respond to appraisal districts'

deadlines and requirements. Such miscommunication has caused many seniors to lose their agricultural or open-space tax exemptions.

H.B. 1464 requires the chief appraiser to mail a written notice of potential ineligibility to senior landowners and requires that the notice contain a form for the owner to indicate that he or she remains entitled to the exemption. If the appraiser does not receive the return form within 60 days, the chief appraiser must make a reasonable effort to contact the land owner and gather his or her opinion on the issue of exemption eligibility. This notification would provide seniors with additional time and opportunities to respond to an appraisal district before they are deemed ineligible. This bill:

Amends Section 23.43 (Application), Tax Code, to require that the application form that the Comptroller of Public Accounts of the State of Texas (comptroller) is required to send regarding the eligibility of a person to receive the agricultural exemption include a space for the claimant to state the claimant's date of birth. Provides that failure to provide the date of birth does not affect a claimant's right to an agricultural designation under this subchapter.

Requires that the chief appraiser, if land designated for agricultural use is owned by an individual 65 years of age or older, before making a determination that the land has been diverted to a nonagricultural use, to deliver a written notice to the owner stating that the chief appraiser believes the land may have been diverted to a nonagricultural use. Requires that the notice include a form on which the owner may indicate that the owner remains entitled to have the land designated for agricultural use and a self-addressed postage prepaid envelope with instructions for returning the form to the chief appraiser. Requires the chief appraiser to consider the owner's response on the form in determining whether the land has been diverted to a nonagricultural use.

Requires the chief appraiser, if the chief appraiser does not receive a response on or before the 60th day after the date the notice is mailed, to make a reasonable effort to locate the owner and determine whether the owner remains entitled to have the land designated for agricultural use before determining that the land has been diverted to a nonagricultural use. Provides that sending an additional notice to the owner immediately after the expiration of the 60-day period by first class mail in an envelope on which is written, in all capital letters, "RETURN SERVICE REQUESTED," or another appropriate statement directing the United States Postal Service to return the notice if it is not deliverable as addressed, or providing the additional notice in another manner that the chief appraiser determines is appropriate, constitutes a reasonable effort on the part of the chief appraiser.

Use of Hotel Occupancy Tax Revenue—H.B. 1585

by Representative Paul—Senate Sponsor: Senator Larry Taylor

There are few authorized purposes to which local hotel occupancy tax revenue may be applied. Interested parties assert that municipalities should be given more local control of such revenue. This bill:

Is bracketed to the City of Nassau Bay.

Authorizes the city to use revenue from the municipal hotel occupancy tax for expenses, including promotion expenses, directly related to a sporting event in which the majority of participants are tourists who substantially increase economic activity at hotels and motels within the municipality or its vicinity.

Authorizes the city to use three percent of the price paid for a room in a hotel to:

- establish, acquire, purchase, construct, improve, maintain, or operate an authorized facility; and
- pay bonds issued to establish, acquire, purchase, construct, improve, maintain, or operate an authorized facility.

Defines an "authorized facility" as a civic center, marina, meeting room, hotel, parking facility, or visitor center, including signage related to the facility, that:

- is owned by the municipality or a nonprofit corporation acting on behalf of the municipality;
- is located not more than 1,000 feet from a hotel property in the municipality; and
- substantially enhances hotel activity and encourages tourism within the municipality.

Provides that the total amount of municipal hotel tax used on an authorized facility may not exceed the amount of revenue from hotel tax attributable to events at the facility over the 15-year period after the completion of construction and sets forth procedures to determine if that requirement is met.

Sales and Use Tax for Insurance Services—H.B. 1841

by Representative Greg Bonnen—Senate Sponsor: Senator Perry

Consumers in Texas are taxed on the services provided by an insurance adjuster to resolve a claim for property damage under an insurance policy. This tax is not consistent with other tax obligations since consumers do not pay sales tax when purchasing an insurance policy for property coverage nor when engaging the services of a lawyer to resolve an insurance claim on their behalf. Even though public insurance adjusters are a cost-effective alternative to litigation and typically yield positive results for the policyholders they represent, policyholders are being taxed for the services of public insurance adjusters during times of loss. This bill:

Provides that "insurance service" means insurance loss or damage appraisal, insurance inspection, insurance investigation, insurance actuarial analysis or research, insurance claims adjustment or claims processing, or insurance loss prevention service except insurance coverage for which a premium is paid or commissions paid to insurance agents for the sale of insurance or
annuities or a service performed on behalf of an insured by a person licensed under Chapter 4102 (Public Insurance Adjusters), Insurance Code.

Prohibits the changes made by this Act from affecting taxes imposed before the effective date of this Act, and provides that the law in effect before the effective date of this Act is continued in effect for purposes of the liability for and collection of those taxes.

Repeal of Certain Alcoholic Beverage Taxes—H.B. 1905

by Representative Springer et al.—Senate Sponsor: Senator Larry Taylor

The Comptroller of Public Accounts of the State of Texas (comptroller) has expressed concern that certain imposed taxes are outdated and have high administrative costs that pose an unnecessary burden on both the state and private business owners. The burden associated with the collection of these taxes on a very limited number of businesses ultimately hurts the taxpayer and inhibits economic growth. The bill repeals

sections of the Tax Code that were deemed unnecessary by the comptroller regarding certain assessing taxes, fees, or fines. This bill:

Amends Section 34.04 (Airline Beverage Permit), Alcoholic Beverage Code, and Section 48.04 (Taxes), Alcoholic Beverage Code, to exempt the preparation and service of alcoholic beverages by the holder of an airline beverage permit from a tax imposed by this code and from the tax imposed by Chapter 151 (Limited Sales, Excise, and Use Tax), Tax Code.

Removes the requirement to file tax returns and removes the provisions related to taxing services described in Chapter 2001 (Bingo), Occupations Code. Requires the Texas Lottery Commission to adopt rules for the payment of fees on prizes. Provides that, if a person fails to file a report on the fee on prizes, the person forfeits five percent of the amount due as a penalty, and after the first 30 days, the person forfeits an additional five percent. Removes the requirement to pay a fee and other related taxes for gross rentals received for a bingo occasion in Chapter 2001 (Bingo), Occupations Code.

Provides that, according to Section 11.211 (Real Property Leased to Certain Schools), Tax Code, a person is entitled to an exemption from taxation of the real property that the person owns and leases to a school under certain conditions and criteria.

Redefines "snack items" and amends provisions related to selling snack items in a grocery store or convenience store in Section 151.314 (Food and Food Products), Tax Code.

Redefines certain terms in Section 156.001 (Definitions), Tax Code, including "hotel."

Prohibits a municipality from spending more than one percent of the revenue derived from the tax authorized by Chapter 351 (Municipal Hotel Occupancy Taxes), Tax Code, for the creation, maintenance, operation, and administration of an electronic tax administration system. Authorizes a municipality to contract with a third party to assist in the creation, maintenance, operation, or administration of the electronic tax administration system.

Provides that liquefied fuel is considered a special fuel for purposes of Section 151.308 (Items Taxed by Other Law), Tax Code.

Provides that gasoline and diesel fuel sold to a nonprofit entity that is organized for the sole purpose of and engages exclusively in providing emergency medical services and that uses the gasoline exclusively to provide emergency medical services, including rescue and ambulance services, is exempted from the tax imposed on the purchase of gasoline, is entitled to a refund of the tax paid, and may file a refund claim with the comptroller for that amount.

Repeals Chapter 159, Tax Code, regarding assessing fees or fines for tax evasion on individuals who are found guilty of certain drug charges.

Repeals certain offenses in Section 162.403 (Criminal Offense), Tax Code, related to failure to hold or display licenses for transporting liquefied gas.

Installment Payments of Ad Valorem Taxes—H.B. 1933

by Representative Darby—Senate Sponsor: Senator Hinojosa

Not all counties offer Texas homeowners the option of an installment agreement for unpaid property taxes, and installment plans that are offered vary greatly between counties and often allow significant penalties against the homeowner to continue to accrue. H.B. 1597 (Gonzalez et al.; SP: Hinojosa), 83rd Legislature, Regular Session, 2013, minimized the demand for property tax loans from private lenders in the property tax lending industry by requiring county taxing entities to offer installment plan options to residential homeowners.

Additional recommendations and clarifications have been suggested from counties statewide. H.B. 1933 provides clarity, consistency, and flexibility for both property owners and tax offices in the implementation and administration of installment plans. This bill:

Authorizes an individual, under Section 31.031 (Installment Payments of Certain Homestead Taxes), Tax Code, to pay taxing unit taxes in four equal installments without penalty or interest if the first installment is paid before the delinquency date. Clarifies the delinquency dates.

Authorizes the tax collector to enter into an agreement with a person delinquent in the payment of the tax for payment of the tax, penalties, and interest in installments and requires the collector for a taxing unit, on request by a person delinquent in the payment of the tax on a residence homestead for which the property owner has been granted an exemption under Section 11.13 (Residence Homestead), Tax Code, enter into an agreement with the person for payment of the tax, penalties, and interest in installments if the person has not entered into an installment agreement with the collector for the taxing unit under this section in the preceding 24 months. Requires the collector for a taxing unit to deliver a notice of default to a person who is in breach of an installment agreement under this section and to any other owner of an interest in the property subject to the agreement whose name appears on the delinquent tax roll before the collector may seize and sell the property or file a suit to collect a delinquent tax subject to the agreement. Requires that the notice of delinquency contain certain language set forth.

Notice of Proposed Property Tax Rate—H.B. 1953

by Representative Dennis Bonnen—Senate Sponsor: Senator Hinojosa

Counties and municipalities are currently required to publish a proposed property tax rate notice by September 1 of each year. The notice includes the proposed tax rate, the prior year's tax rate, and the effective tax rate along with the rollback tax rate if the taxing unit proposes to exceed its effective rate.

The rates that are required to be published in the tax rate notice cannot be determined until the taxing unit has received all certified appraisal rolls from the appraisal district or districts; however, taxing units frequently do not receive the certified appraisal rolls in time to calculate and publish the tax rate notice by September 1 as required under current law. H.B. 1953 seeks to resolve this problem by extending the deadline past September 1 to up to 30 days after the taxing unit receives all certified appraisal rolls, which provides flexibility for municipalities and counties and allows them to avoid failing to meet the requirements to publish tax rate notices. This bill:

Requires a county or municipality, under Section 140.010 (Proposed Property Tax Rate Notice for Counties and Municipalities), Local Government Code, to provide the notice required not later than the later of September 1 or the 30th day after the first date that the taxing unit has received each applicable certified appraisal roll.

Establishing Hotel Occupancy Tax Rules—H.B. 1964

by Representative Clardy—Senate Sponsor: Senator Eltife et al.

The hotel occupancy tax is imposed on the rental of a room or space at a hotel, bed and breakfast, condominiums, apartments, or house that costs $15 or more per day. The current rate is six percent of the cost of the room.

Hotel occupancy tax revenues are normally paid to the state but advocates contend that those revenues could be better spent by local governments on renovations and developments like convention centers that bring people and industry to that locale. This bill:

Authorizes the cities of Frisco, Nacogdoches, El Paso, Tyler, Odessa, and Round Rock to pledge revenue derived from the hotel occupancy tax for the payment of obligations issued or incurred to acquire, lease, construct, and equip the hotels and any facilities ancillary to the hotels.

Determination of the Appraised Value of Property—H.B. 2083

by Representative Darby et al.—Senate Sponsor: Senator Hancock

Property owners in Texas have the right to protest property appraisals if they believe their property has been appraised above market value or if they believe they have been impacted negatively by appraisals that are not equal and uniform. The Tax Code requires equity to be determined using market value and standards "consistent with generally accepted appraisal standards," but that "equal and uniform" is not sufficiently defined in the statute or by professional standards. Clarifying the relief provision for equity appeals and providing more consistent guidance for property owners and appraisal districts to determine property values would ensure that appeals of equal and uniform appraisals are considered consistently across the state. This bill:

Requires that the selection of comparable properties and the application of appropriate adjustments for the determination of an appraised value of property by any person under Section 41.43 (Protest of Determination of Value or Inequality of Appraisal), Tax Code, or Section 42.26 (Remedy for Unequal Appraisal), Tax Code, be based on the application of generally accepted appraisal methods and techniques. Requires that adjustments be based on recognized methods and techniques that are necessary to produce a credible opinion.

Authorizes the property owners representing themselves to offer an opinion of and present argument and evidence related to the market and appraised value or the inequality of appraisal of the owner's property.

Protests and Appeals of Ad Valorem Tax Determinations—H.B. 2282 [VETOED]

by Representative Guillen—Senate Sponsor: Senator Uresti

County appraisal districts do not always accept taxpayers' findings in the appraisal protest process and as a result, appraisal districts and property owners who are in a value dispute must go to district court to settle these cases. This process can be expensive and time consuming for both the county appraisal district and the taxpayer. The appraisal protest of an appraisal review board decision in an amount less than $10,000 would be better heard in a justice court rather than a district court.

H.B. 2282, which is a local bill, requires the county appraisal district board and chief appraiser to review taxpayer evidence before an appraisal protest hearing to avert costly legal action. H.B. 2282 amends the local Tax Code so that a taxpayer may bring an appraisal dispute to a justice court in certain counties, such as Atascosa County, if the dispute is $10,000 or less. This bill:

Entitles the property owner initiating a protest under Section 41.45 (Hearing on Protest), Tax Code, to an opportunity to appear to offer evidence or argument and requires the board and the chief appraiser to review the evidence or argument provided by the property owner before the hearing on the protest.

Authorizes a property owner to bring the appeal to a justice court as an alternative to bringing an appeal under Section 42.01 (Right of Appeal by Property Owner), Tax Code, under certain conditions.

Authorizes an appraisal district to be represented by legal counsel in an appeal brought under Section 42.01 (Right of Appeal by Property Owner), Tax Code.

Certification of the Taxable Value of Property in Each School District—H.B. 2293

by Representative Darby—Senate Sponsor: Senator West

Chapter 42 (Foundation School Program), Education Code, requires the Comptroller of Public Accounts of the State of Texas (comptroller) to certify to the commissioner of education final taxable values for each school district as computed on the impact of specified homestead exemptions and tax limitations based on the property value study. Section 403.302 (Determination of School District Property Values), Government Code, specifies that the taxable values must be reported to the Texas Education Agency (TEA).

Although these taxable values are used in the school funding formula to determine state funding of school districts, some of the taxable values are obsolete, since no school districts are being funded based on these values. This bill:

Amends Section 403.302 (Determination of School District Property Values), Government Code, to require the comptroller to certify the final taxable value for each school district, appropriately adjusted to give effect to certain provisions of the Education Code related to school funding, to the commissioner of education as provided by the terms of a memorandum of understanding entered into between the comptroller, the Legislative Budget Board, and the commissioner of education.

Nonprofit Organizations Exempt From Sales and Use Tax for Certain Items—H.B. 2313
by Representative Bohac—Senate Sponsor: Senator Garcia

Nonprofit organizations are exempt from paying sales tax for purchases that relate to the purpose or mission of the organization. Although the law exempts a taxable item sold by an exempt organization from the sales tax, it does not apply to such sales transacted via vending machines. There are organizations, such as the Housing, Entrepreneurship and Readiness Training (H.E.A.R.T.) program in Houston, for which sales through a vending machine program constitute a primary purpose or mission of the organization. The H.E.A.R.T. program provides life skill and job skill services to Texans with intellectual or developmental disabilities by teaching them counting, inventory, stocking, and management skills through vending machine operations.

The requirement to calculate and remit sales tax on sales through these vending machines detracts from the charitable mission of the organizations and deprives them of needed resources that could be used to better serve Texans with special needs. H.B. 2313 provides for a limited sales tax exemption for certain nonprofit organizations that provide training and services to Texans with special needs through a vending machine program. This bill:

Provides that the sale of tangible personal property through a vending machine is exempt from the taxes imposed under the following conditions:

- the sale is made by a nonprofit organization that is exempt from federal income taxation under Section 501(a), Internal Revenue Code of 1986, by being listed as an exempt organization in Section 501(c)(3) of that code;
- the machine is owned by the nonprofit organization; and
- the machine is stocked and maintained by individuals with special needs as part of an independent life skills and education program operated by the nonprofit organization.

Requires a nonprofit organization that makes a sale exempt from taxation under this section to maintain records demonstrating that the sale is eligible for the exemption.

Sale of New Motor Vehicle to Manufacturers or Distributors—H.B. 2400
by Representative Bohac et al.—Senate Sponsor: Senator Van Taylor

Motor vehicle sales tax is due on the retail sale of a motor vehicle, and under current law, the sale of a motor vehicle is not considered a retail sale for tax purposes when a franchised car dealer purchases a vehicle from a manufacturer. There are no statutory provisions that clarify whether the transfer of vehicles between divisions of the same car manufacturing company would constitute a retail sale subject to motor vehicle sales taxes.

Senator Van Taylor stated that H.B. 2400 clarifies that the sale of vehicles within the same manufacturing company does not constitute a retail sale for the purpose of assessing the motor vehicle sales tax and clarifies that the $25 tax currently applied to a metal dealer's license plate also applies to vehicles issued a metal manufacturer's license plate. This bill:

Redefines "retail sale" in Section 152.001 (Definitions), Tax Code, to mean the sale of a motor vehicle except when the sale of a new motor vehicle in which the purchaser is a manufacturer or distributor as those terms are defined by Section 2301.002 (Definitions), Occupations Code, who acquires the motor vehicle either for the exclusive purpose of sale in the manner provided by law or for purposes allowed under Section 503.064 (Manufacturer's License Plates), Transportation Code.

Sales and Use Tax Exemption for Certain Broadcasting Equipment—H.B. 2507
by Representative Kacal et al.—Senate Sponsor: Senator Seliger

Although digital transmission equipment used by television stations is exempt from sales tax, the Comptroller of Public Accounts of the State of Texas (comptroller) ruled in 2010 that similar equipment used by radio stations is not exempt from sales tax. Many radio groups in urban areas have already purchased this equipment and taken advantage of the sales tax exemption, but many rural and smaller radio stations have not. H.B. 2507 clarifies that digital transmission equipment purchased for use by radio stations is exempt from sales tax. This bill:

Amends Section 151.3185 (Property Used in the Production of Motion Pictures of Video or Audio Recordings and Broadcasts), Tax Code, to provide that tangible personal property that is sold to an entity to which 47 C.F.R. Section 73.404 (Interim Hybrid IBOC DAB Operation) applies is exempt from the taxes imposed by this chapter if the property is necessary to provide the broadcast service described by 47 C.F.R. Section 73.403 (Digital Audio Broadcasting Service Requirements) or 73.404.

Appraisal Value for Property in Multiple School Districts—H.B. 2826 [VETOED]
by Representative Murphy et al.—Senate Sponsor: Senator Huffman

While determining the eligibility of school district property in more than one district for a limitation on appraised value under the Texas Economic Development Act, single projects extending across multiple school districts are evaluated by each portion of the project. Each portion of the project must separately qualify for a limitation agreement, which sometimes poses a significant burden.

H.B. 2826 amends the Tax Code to include provisions applicable only to a single unified project that is located in more than one but not more than three school districts, each of which is contiguous to another school district in which the project is located. This bill:

Adds Section 313.0255 (Project Located in Multiple School Districts), Tax Code, which applies to a single unified project that is located in more than one but not more than three school districts, each of which is contiguous to another school district in which the project is located and at least one of which is a school district to which Subchapter B (Limitation on Appraised Value of Certain Property Used to Create Jobs), Chapter 313 (Notice for Local and Special Laws), Tax Code, applies. Prohibits this section from affecting the requirement that each school district from which the applicant desires a limitation on appraised value of the applicant's property for school district maintenance and operations ad valorem tax purposes enter into an agreement with the applicant under Section 313.027 (Limitation on Appraised Value; Agreement), Tax Code, in order for the applicant to receive a limitation from that school district.

Provides that a project is considered to be located in the school district in which the project is located that has the highest taxable value of property for the preceding tax year as determined under Chapter 403 (Comptroller of Public Accounts), Government Code.

Requires the comptroller of public accounts of the State of Texas (comptroller) to verify a random sample of data relating to this section.

Municipal Sales and Use Tax for Street Maintenance—H.B. 2853

by Representative Rodney Anderson et al.—Senate Sponsor: Senator West

A reauthorization election for a street maintenance sales tax must occur every four years in most municipalities. These elections unnecessarily burden municipalities in two ways: the elections cost significant money and the brevity of the authorization period of four years greatly limits a city's ability to bond against the revenue stream. Additionally, current law does not authorize the funds from the tax to be spent on sidewalks. H.B. 2853 provides certain large cities with the option of putting an optional eight-year authorization period for street maintenance sales tax on the ballot. This bill:

Provides that, unless imposition of the sales and use tax authorized by Chapter 327 (Municipal Sales and Use Tax for Street Maintenance), Tax Code, is reauthorized, the tax expires under the conditions set forth.

Amends required ballot language to provide that the local sales and use tax may expire on the fourth, eighth, or 10th anniversary of the date of an election unless the imposition of the tax is reauthorized.

Provides that revenue from the tax imposed under this chapter may be used only to maintain and repair municipal streets or sidewalks existing on the date of the election to adopt the tax.

Apportionment of Broadcaster Receipts Under the Franchise Tax—H.B. 2896

by Representatives Parker and Fallon—Senate Sponsor: Senator Bettencourt

Taxpayers in the business of providing television content are treated differently by Comptroller of Public Accounts of the State of Texas (comptroller) audits because the Tax Code does not contain a provision regarding the apportionment of receipts of television content providers. H.B. 2896 harmonizes the state's franchise tax practices for certain providers of intangible personal property. This bill:

Amends Section 171.06 (Apportionment of Margin to this State), Tax Code, to require a taxable entity that is a broadcaster to include in the numerator of the broadcaster's apportionment factor receipts arising from licensing income from broadcasting or otherwise distributing film programming by any means only if the legal domicile of the broadcaster's customer is in this state.

Defines "broadcaster," "customer," "film programming," and "programming."

Franchise Tax Credit for the Rehabilitation of Historic Structures—H.B. 3230
by Representative Justin Rodriguez et al.—Senate Sponsor: Senator Campbell

H.B. 500 (Hilderbran et al.; SP: Hegar), 83rd Legislature, Regular Session, 2013, created a credit against the franchise tax based on the qualified costs of certified rehabilitation of certain historic structures. Although the Texas credit is patterned after a federal historic tax credit, it may be earned by any property owner and is freely transferable, which is unlike a federal tax credit. Previous legislation referred to a section of the federal Internal Revenue Code to define "eligible costs and expenses" which, broadly interpreted, has the effect of excluding rehabilitation costs incurred by nonprofits, frustrating the intent of the legislature. H.B. 3230 provides that rehabilitation costs can be included in franchise tax credits. This bill:

Amends Section 171.901 (Definitions), Tax Code, to define "eligible costs and expenses" to mean qualified rehabilitation expenditures as defined by Section 47(c)(2), Internal Revenue Code, except that the depreciation and tax-exempt use provisions of that section do not apply to costs and expenses incurred by an entity exempt from the tax imposed under this chapter by Section 171.063 (Exemption-Nonprofit Corporation Exempt From Federal Income Tax), and those costs and expenses are eligible costs and expenses if the other provisions of Section 47(c)(2), Internal Revenue Code, are satisfied.

Tax Exemption for Property Owned by the National Hispanic Institute—H.B. 3623
by Representative Larry Gonzales—Senate Sponsor: Senators Lucio and Burton

H.B. 3623 creates a property tax exemption for the National Hispanic Institute (NHI), which is a 501(c)(3), charitable organization located in Caldwell County. Since 1986, charitable organizations that are exempted from federal income tax can be exempted from state property taxes in the State of Texas. While NHI is eligible to be exempt from state property taxes, it has been forced to pay these taxes by Caldwell County even though Caldwell County officials have not publicly stated any opposition to granting the exemption. This bill:

Amends Section 11.23 (Miscellaneous Exemptions), Tax Code, to grant NHI an exemption from taxation of the real and tangible personal property it owns as long as the organization is exempt from federal income taxation under Section 501(a), Internal Revenue Code of 1986, as an organization described by Section 501(c)(3) of that code.

Amends Section 11.43 (Application for Exemption), Tax Code, to add Section 11.23 (Miscellaneous Exemptions), Tax Code, to a list of sections that provides an exemption set forth.

Participation in Ad Valorem Tax Sale of Real Property—H.B. 3951
by Representative Huberty—Senate Sponsor: Senator Bettencourt

At present, Harris County has a voluntary bidder registration procedure; there is no requirement in the Tax Code that requires a bidder to actually register. This frequently makes it difficult to determine if the bidder is qualified under the law to purchase property at a delinquent tax sale. This bill:

Provides that Section 34.011 (Bidder Registration), Tax Code, applies only to a sale of real property under this chapter conducted in a county in which the commissioners court by order has adopted the provisions of this section.

Authorizes a commissioners court to require that, to be eligible to bid at a sale of real property under Chapter 34 (Tax Sales and Redemption), Tax Code, a person must be registered as a bidder with the county assessor-collector before the sale begins. Authorizes the county assessor-collector to adopt rules governing the registration of bidders under Section 34.011. Provides that the county assessor-collector may require a person registering as a bidder:

- to designate the person's name and address;
- to provide valid proof of identification;
- to provide written proof of authority to bid on behalf of another person, if applicable;
- to provide any additional information reasonably required by the county assessor-collector; and
- to at least annually execute a statement on a form provided by the county assessor-collector certifying that there are no delinquent ad valorem taxes owed by the person registering as a bidder to the county or to any taxing unit having territory in the county.

Requires the county assessor-collector to issue a written registration statement to a person who has registered as a bidder under this section. Provides that a person is not eligible to bid at a sale of real property under Chapter 34, Tax Code, unless the county assessor-collector has issued a written registration statement to the person before the sale begins.

Provides that Section 34.015 (Persons Eligible to Purchase Real Property), Tax Code, applies only to a sale of real property under Section 34.01 (Sale of Property), Tax Code, that is conducted in a county with a population of 250,000 or more in which the commissioners court has not by order adopted the provisions of Section 34.011, Tax Code.

Prohibits an officer conducting a sale of real property under this subchapter from executing or delivering a deed to the purchaser of the property unless the purchaser exhibits to the officer an unexpired written statement issued to the person in the manner prescribed by Section 34.015 (Persons Eligible to Purchase Real Property), Tax Code, showing that the county assessor-collector of the county in which the sale is conducted has determined that the written registration statement issued to the person in the manner prescribed by Section 34.011, Tax Code, showing that the person is a registered bidder at the sale at which the property is sold.

Requires the deed executed by the officer conducting the sale to name the successful bidder as the grantee and recite that the successful bidder exhibited to that officer an unexpired written statement issued to the person in the manner prescribed by Section 34.015, Tax Code, showing that the county assessor-collector of the county in which the sale was conducted determined that the written registration statement issued to the person in the manner prescribed by Section 34.011, Tax Code, showing that the person is a registered bidder at the sale at which the property is sold.

Ad Valorem Taxes and State Reimbursements of Revenue Loss—S.B. 1

by Senator Nelson et al.—House Sponsor: Representative Dennis Bonnen et al.

S.B. 1 reduces the property tax burden on homeowners by increasing the homestead exemption for school district taxes from $15,000 to $25,000 of the appraised value of the residence. S.B. 1 holds harmless the school districts as a result of the increased homestead exemption, and any local taxing units that currently offer the optional homestead exemption must maintain the current exemptions offered for 10 years. This bill:

Amends Section 11.13 (Residence Homestead), Tax Code, to entitle an adult to an exemption from taxation by a school district of $25,000 of the appraised value of the adult's residence homestead, except that only $5,000 of the exemption applies to an entity operating under certain conditions set forth.

Prohibits the governing body of a school district, municipality, or county that adopted an exemption from reducing or repealing the exemption before December 31, 2019.

Amends Section 25.23 (Supplemental Appraisal Records), Tax Code, to apply to the appraisal records for the 2015 tax year. Requires the assessor for a school district to determine the taxable value of property taxable by the school district and the taxable value of new property based on a residence homestead exemption under Section 11.13 (Residence Homestead), Tax Code, of $25,000. Requires the officer or employee designated by the governing body of a school district to calculate the effective tax rate and the rollback tax rate of the school district for the 2015 tax year based on a residence homestead exemption under Section 11.13 (Residence Homestead), Tax Code, of $25,000.

Requires the assessor for a school district to correct the tax roll for the school district for the 2015 tax year to reflect the results of the election to approve the constitutional amendment proposed by S.J.R. 1, 84th Legislature, Regular Session, 2015.

Requires the tax bill by a school district on a residence homestead to include language set forth under Section 31.01 (Tax Bills), Tax Code. Provides that the tax bill as described under that section is considered to be a provisional tax bill until the canvass of the votes on the constitutional amendment proposed by S.J.R. 1, 84th Legislature, Regular Session, 2015.

Requires the assessor for each school district to prepare and mail a supplemental tax bill, by December 1 or as soon thereafter as practicable, to each person in whose name property subject to an exemption is listed on the tax roll and to the person's authorized agent.

Adds Section 41.0011 (Computation of Wealth Per Student for 2015-2016 School Year), Education Code, which, in computing a school district's wealth per student for the 2015-2016 school year, provides that a school district's taxable value of property under Chapter 403 (Comptroller of Public Accounts), Government Code, is determined as if the increase in the residence homestead exemption under the conditions set forth had been in effect for the 2014 tax year.

Provides that certain conditions in Section 41.004 (Annual Review of Property Wealth), Education Code, are applicable upon the passage of S.J.R. 1, 84th Legislature, Regular Session, 2015.

Adds Section 41.0042 (Transitional Provisions: Increased Homestead Exemption and Limitation on Tax Increases), Education Code, to require the commissioner of education to approve a district's request under Section 41.004 (Annual Review of Property Wealth), Education Code, to delay the date of an election if the commissioner of education determines that the district would not have a wealth per student that exceeds the equalized wealth level if the constitutional amendment proposed by S.J.R. 1, 84th Legislature, Regular Session, 2015, were approved by the voters.

Adds Section 41.0121 (Transitional Election Dates), Education Code, to provide conditions for election dates.

Adds Section 41.0981 (Transitional Early Agreement Credit), Education Code, to authorize a school district to receive early agreement credit for the 2015-2016 school year if the district orders the election and obtains voter approval not later than the date specified by the commissioner of education.

Adds Section 42.2518 (Additional State Aid for Homestead Exemption and Limitation on Tax Increases), Education Code, to entitle a school district to receive additional state aid to the extent that state and local revenue is less than the state and local revenue that would have been available to the district if the increase in the residence homestead exemption had not occurred. Provides that lesser of the school district's currently adopted maintenance and operations tax rate or the adopted maintenance and operations tax rate for the 2014 tax year is used for the purpose of determining additional state aid under this section. Provides that revenue from a school district maintenance and operations tax that is levied to pay costs of a lease-purchase agreement is included for the purpose of calculating state aid under this section.

Provides that a school district's taxable value of property, a school district's enrichment tax rate, a school district's bond tax rate, and a school district's existing debt rate is determined as if the increase in the residence homestead exemption had not occurred.

Pretrial Settlement Discussions for Ad Valorem Tax Appeals—S.B. 593

by Senator Watson—House Sponsor: Representative Darby

The appraisal district is responsible for paying attorney's fees if the court reduces the property value by any amount during litigation over property appraisals. The amount of attorney's fees that are owed can be based upon the difference between the value arrived at by the court and the certified value set by the appraisal review board. S.B. 593 establishes that the amount of attorney's fees paid by appraisal districts be based upon the final written settlement offer. This creates an incentive for appraisal districts to negotiate because it would lower the amount of attorney's fees owed by the appraisal district. This bill:

Authorizes a property owner or appraisal district that is a party to an appeal under Section 42.227 (Pretrial Settlement Discussions), Tax Code, to request that the parties engage in settlement discussions. Requires that the request be in writing and delivered to the other party before the date of trial. Requires that court, on motion of either party, to enter certain orders necessary to implement the provisions set forth.

Requires each party or the party's attorney to attend the settlement discussions and make a good faith effort to resolve the matter under appeal. Prohibits an appraisal district from requesting or requiring a property owner to waive a right under this title as a condition of attending a settlement discussion.

Tax Exemptions for School-Related Transportation—S.B. 724
by Senator Perry—House Sponsor: Representative Craddick et al.

Private school bus service companies that comply with Section 34.008 (Contract with Transit Authority, Commercial Transportation Company, or Juvenile Board), Education Code, are authorized to provide services to transport students to and from school. For more than 20 years, these private school bus companies have been exempt by statute from paying state motor fuel tax and registration fees. A recent interpretation by the Office of the Comptroller of Public Accounts of the State of Texas (comptroller's office) in 2012 reversed the longtime practice by imposing motor vehicle sales tax on school buses owned by private companies that are contracted by public schools to provide these transportation services. Such an interpretation will likely cause the motor vehicle sales tax to be passed on to school districts that use these private services. This bill:

Exempts from motor vehicle sales and use taxes the sale or use of a motor vehicle used by a public agency or a commercial transportation company to provide transportation services under a contract with a board of county school trustees or school district board of trustees or the governing body of an open-enrollment charter school.

Repeal of the Inheritance Tax—S.B. 752
by Senators Bettencourt and Creighton—House Sponsor: Representative Murphy

The inheritance tax has not been collected in Texas in almost 10 years as a result of the end of federal inheritance tax collection. Statutorily repealing the tax now will eliminate the possibility of it being resurrected in the future. This bill:

Repeals Chapter 211 (Inheritance Taxes), Tax Code. Redefines "estate tax" under Section 124.001 (Definitions), Estates Code.

Sales and Use Tax on Computer Program Transactions—S.B. 755
by Senator Van Taylor et al.—House Sponsor: Representative Button

Computer software purchases are transactions that occur directly between a software vendor and a user and are applicable to a sales tax. With the proliferation of Internet hosting services, including "cloud computing" services, computer software is now being sold as part of a package of taxable services provided by Internet hosting companies. Often, software that is being sold is purchased twice—first by the Internet hosting company that purchases the software from a vendor and then by the hosting company which resells that software to the end-user as part of the service package. Each transaction involving the sale of software used for Internet hosting services is taxed, creating double taxation. S.B. 755 clarifies that software used for web hosting should be taxed once, specifically during the transaction where the end user purchases software as part of the hosting package. This bill:

Adds a new Subsection (d) to Section 151.006 ("Sale for Resale"), Tax Code. Provides that a sale for resale under this section includes the sale of a computer program to a provider of Internet hosting services who acquires the computer program from an unrelated vendor for the purpose of selling the right to use the computer program to an unrelated user of the provider's Internet hosting services in the normal course of

business and in the form or condition in which the provider acquired the computer program. Provides that, for purposes of this subsection, the purchase of the computer program by the provider qualifies as a sale for resale only if the provider offers the unrelated user a selection of computer programs that are available to the public for purchase directly from an unrelated vendor and executes a written contract with the unrelated user that specifies the name of the computer program sold to the unrelated user and includes a charge to the unrelated user for computing hardware. Provides that this subsection applies notwithstanding Section 151.302(b) (relating to the conditions necessary for tangible personal property to be considered resold), Tax Code, if the unrelated user purchases the right to use the computer program from the provider through the acquisition of a license and the provider does not retain the right to use the computer program under that license. Provides that the performance by the provider of routine maintenance of the computer program that is recommended or required by the unrelated vendor of the computer program does not affect the application of this bill. Defines "Internet hosting" for purposes of this subsection.

Repeal of Production Taxes on Petroleum and Sulphur—S.B. 757

by Senators Perry and Creighton—House Sponsor: Representative Springer

The Comptroller of Public Accounts of the State of Texas (comptroller) recently identified a number of taxes collected by the state that impose an administrative burden on state resources to the point that the taxes are no longer worth collecting. This includes the production tax on sulphur and petroleum. This bill:

Repeals Sections 81.111 (Tax Levy), 81.112 (Disposition of Tax Proceeds), 81.113 (Use of Tax Proceeds), and 81.114 (Production Reports), Natural Resources Code and Chapter 203 (Sulphur Production Tax), Tax Code.

Amends Section 81.018(a), Natural Resources Code, to require that salaries and other expenses necessary in the administration and enforcement of the oil and gas laws be paid by warrants drawn by the comptroller on the State Treasury from general revenue, rather than from funds provided under Section 81.112, Natural Resource Code.

Provides that the oil-field cleanup regulatory fee is in addition to, and independent of any liability for, the tax imposed under Chapter 202 (Oil Production Tax), Tax Code, rather than taxes imposed under Section 81.111, Natural Resource Code, and Chapter 202, Tax Code.

Repeal of Fireworks Tax—S.B. 761

by Senator Creighton—House Sponsor: Representative Murphy

The rural volunteer fire department insurance fund is supported by a two percent tax on the sale of fireworks, in addition to the state sales tax. The comptroller of public accounts of the State of Texas (comptroller) has reported that the amount of revenue collected from this additional tax is not worth the cost of the administration of this tax. S.B. 761 repeals Chapter 161 (Fireworks Tax), Tax Code, which is the additional two percent tax on the sale of fireworks. In order to continue funding the rural volunteer fire department insurance fund, S.B. 761 dedicates up to two percent of the state sales tax on the sale of fireworks to the fund. This bill:

Amends Section 151.801 (Disposition of Proceeds), Tax Code, to require that an amount equal to the revenue derived from the collection of taxes at the rate of two percent on each sale at retail of fireworks be deposited to the credit of the rural volunteer fire department insurance fund (fund) established under Section 614.075 (Fund), Government Code. Requires the comptroller to determine the amount to be deposited to the fund under the conditions set forth. Defines "fireworks."

Prohibits administration costs associated with the rural volunteer fire department insurance program during a state fiscal year from exceeding seven percent of the total deposited to the credit of the fund.

Provides that the fund is an account in the general revenue fund and is composed of money deposited under the conditions set forth in the bill, rather than money collected under Chapter 161 (Fireworks Tax), Tax Code, and contributions to the fund from any other source.

Signature Requirement for Electronic Tax Permit Application—S.B. 853
by Senators Kolkhorst and Bettencourt—House Sponsor: Representative Button

Business owners must obtain a sales tax permit from the comptroller of public accounts of the State of Texas (comptroller) in order to collect a sales tax under Chapter 151 (Limited Sales, Excise, and Use Tax), Tax Code. A business owner is currently allowed to apply online for the sales tax permit but must provide a handwritten signature, which is overly cumbersome, causes undue delays on a business owner, and prevents the business owner from opening his or her business. Many state and local agencies and private businesses already accept electronic signatures for a variety of purposes. S.B. 853 amends Chapter 151 to allow a business owner to sign the application for a sales tax permit electronically. This bill:

Provides that an application that is filed electronically complies with the signature requirement under conditions set forth by Section 151.202 (Application for Permit), Tax Code.

Tax Exemption for Emergency Preparation Supplies—S.B. 904
by Senator Hinojosa et al.—House Sponsor: Representative Darby

S.B. 904 establishes a tax-free weekend on the last weekend in April for emergency supplies and hurricane-proofing materials in order to encourage Texas consumers to reinforce their property and prepare for the upcoming storm season and prepare for weather events or disasters, including ice storms, wildfires, hail storms, hurricanes, and floods. The sales tax holiday will serve as an incentive for state citizens to better protect their property and lives during and after a potential weather-related emergency and will mirror the sales tax school supplies holiday that occurs during back-to-school season. Research indicates that every $1 spent on mitigation saves $3 to $4 in damages in the event of a storm. Tax-free items include certain portable generators and hurricane shutters, as well as smaller emergency preparedness and storm preparedness items like weather radios, rope ladders, smoke detectors, fire extinguishers, and first aid kits. This bill:

Adds Section 151.3565 (Emergency Preparation Supplies for Limited Period), Tax Code, to exempt an emergency preparation item from the taxes imposed by this chapter if the sale takes place during a period beginning at 12:01 a.m. on the Saturday before the last Monday in April and ending at 12 midnight on the last Monday in April. Defines "emergency preparation item."

Electronic Filing of Reports—S.B. 1364

by Senator Kolkhorst et al.—House Sponsor: Representative Burkett

The comptroller of public accounts of the State of Texas (comptroller) has seen a recent increase in the number of business entities filing their franchise reports electronically, as approximately two-thirds of the state's 1.4 million taxpayers choose to file online in 2014. The number of no-tax-due franchise reports has also increased during the same time, with about 80 percent of the reports filed in 2014 indicating that no tax was due. Approximately two-thirds of the no-tax-due reports were filed electronically. S.B. 1364 requires that certain reports be filed electronically, which allows the comptroller to process franchise tax reports more efficiently and cost-effectively. This bill:

Requires electronic filing of a report required under Chapter 151 (Limited Sales, Excise, and Use Tax), 201 (Gas Production Tax), or 202 (Oil Production Tax), Tax Code, or an international fuel tax agreement for a taxpayer who is also required under Section 111.0625 (Electronic Transfer of Certain Payments), Tax Code, to transfer payments by electronic funds transfer and to file a report required under Section 171.204 (Information Report), Tax Code.

Repeals Section 111.0626(b) (comptroller may adopt rules for electronic filing), Tax Code.

Allocation of Sporting Goods Tax Proceeds—S.B. 1366

by Senator Kolkhorst—House Sponsor: Representative Larry Gonzales

H.B. 7 (Darby et al.; SP: Williams), 83rd Legislature, Regular Session, 2013, amended sporting goods sales tax (SGST) provisions in Section 151.801 (Disposition of Proceeds), Tax Code, to ensure that, in addition to covering appropriated amounts, SGST revenue transfers to the Texas Parks and Wildlife Department (TPWD) would also include amounts needed to cover employee benefits and costs of employee salaries paid from SGST. TPWD had to cover SGST-related benefit costs from other funding sources because employee benefit costs were not directly appropriated before the passage of H.B. 7. S.B. 1366 requires that each affected account that consists of SGST credits not exceed appropriated amounts in order to allow the legislature more flexibility in their appropriations. This bill:

Requires the Texas Parks and Wildlife Department (TPWD) to deposit to the credit of certain parks-related accounts all revenue, less allowable costs, received from SGST in an amount not to exceed the amount of the tax proceeds appropriated from the accounts for use during the then-current state fiscal biennium plus the amount necessary to fund the cost of state contributions for benefits of department employees whose salaries or wages are paid from the account.

Amends Section 24.003(a) (relating to the deposit to the credit of the Texas recreation and parks account), Parks and Wildlife Code, to require TPWD to deposit to the credit of the Texas recreation and parks account credits made to TPWD under Section 151.801 (Disposition of Proceeds), Tax Code, under the conditions set forth by this bill.

Amends Section 24.053(a) (relating to the deposit to the credit of the large county and municipality recreation and parks account), Parks and Wildlife Code, to require TPWD to deposit to the credit of the large county and municipality recreation and parks account credits made to TPWD under Section 151.801, Tax Code, under the conditions set forth by this bill.

Repeals Section 151.801(c) (relating to the deposit of the proceeds of the tax on sporting goods), Tax Code.

Evidence in Appraisal Review Board Hearings—S.B. 1394
by Senator Hancock—House Sponsor: Representative Murphy

Appraisal districts are not currently required to allow a property owner or a property owner's agent to use audiovisual equipment at a property tax protest hearing before the appraisal review board. However, appraisal districts are allowed to use this technology and often do. Some appraisal districts reportedly have denied property owners the use of audiovisual equipment owned by the appraisal districts and used by the chief appraiser. This bill:

Requires that the chief appraiser and the property owner or the owner's agent under Section 41.45 (Hearing on Protest), Tax Code, provide the other with a copy of any material preserved on any portable device designed to maintain an electronic, magnetic, or digital reproduction of a document or image that the person intends to offer or submit to the appraisal review board at the hearing. Requires the appraisal office to provide the property owner or the property owner's agent audiovisual equipment of the same general type, kind, and character for use during the hearing if the chief appraiser uses audiovisual equipment at a hearing on a protest.

Sales and Use Taxation of Aircraft—S.B. 1396
by Senator West—House Sponsor: Representative Paddie

Because operation and transfers of aircraft are governed in large part by technical requirements of the Federal Aviation Administration, the increasing number and frequency of aircraft-related transactions have also introduced increasing uncertainty about the proper application of state sales and use tax to those transactions. In some instances, this uncertainty has required both taxpayers and the comptroller of public accounts of the State of Texas (comptroller) to dedicate significant time to determining the proper application of tax to these transactions. S.B. 1396 seeks to benefit both taxpayers and the comptroller by confirming and clarifying the proper taxation of transactions involving aircraft. This bill:

Defines "certificated or licensed carrier" for purposes of Chapter 151 (Limited Sales, Excise, and Use Tax), Tax Code.

Provides that the sales tax exemption on certain aircraft applies with respect to a certified carrier's acquisition of an aircraft, without regard to whether the certificated carrier acquired the aircraft by purchase, lease, or rental.

Provides that for purposes of Section 151.006 ("Sale for Resale"), Tax Code, "sale for resale" includes the sale of an aircraft to a purchaser who acquires the aircraft for the purpose of leasing, renting, or reselling the aircraft to another person under the conditions set forth. Provides that the leasing or renting of an aircraft includes the transfer of operational control of the aircraft from a lessor to one or more lessees under the conditions set forth. Provides that the purchase of an aircraft is determined under certain conditions regardless of whether more than 50 percent of the aircraft's departures are made under the operational

control of one or more lessees. Provides that Section 151.154(a) (relating to the use by a reseller of the aircraft and applicable tax resulting from the use), Tax Code, does not apply to a purchaser of an aircraft.

Provides that for purposes of the tax imposed under Subchapter D (Imposition and Collection of Use Tax), Chapter 151, Tax Code, an aircraft that is brought into this state for the sole purpose of being completed, repaired, remodeled, or restored is not brought into the state for storage, use, or other consumption in this state. Provides that there is no presumption that an aircraft was purchased for storage, use, or consumption in this state if the person bringing the aircraft into this state did not acquire the aircraft directly from a seller by means of purchase, as that term is defined by Section 151.005 ("Sale" or "Purchase"). Provides that no tax is imposed on an aircraft that is brought into this state if the aircraft is predominately used outside of this state under the conditions set forth. Provides that a sale, lease, rental, or other transaction between a person and a member, owner, or affiliate of the person involving an aircraft that would not be subject to tax or would qualify for an exemption from tax if the transaction were between unrelated persons remains not subject to tax or exempt from tax to the same extent as if the transaction were between unrelated persons.

Appraised Value Notices Sent by Appraisal Districts—S.B. 1420

by Senator Hancock—House Sponsor: Representatives Murphy and Oliveira

Current law requires the chief appraiser to deliver a clear and understandable written notice to a property owner of the appraised value if the property value changes. S.B. 1420 amends the Tax Code to require appraisal districts to notify a property owner if an exemption or partial exemption approved for the property for the preceding year was cancelled or reduced for the current year. This bill:

Requires the chief appraiser under Section 25.19 (Notice of Appraised Value), Tax Code, to deliver a clear and understandable written notice to a property owner if an exemption or partial exemption approved for the property for the preceding year was canceled or reduced for the current year. Requires the chief appraiser to separate real property from personal property and include in the notice for an exemption or partial exemption approved for the property for the current year and for the preceding year, and the amount that the exemption or partial exemption was canceled or reduced.

Property Sales Through Online Auctions—S.B. 1452

by Senator Bettencourt et al.—House Sponsor: Representative Huberty

Under current law, certain properties foreclosed due to nonpayment of property taxes are sold at foreclosure auctions generally held at county courthouses. Harris County has a significant backlog of delinquent properties such that it cannot sell all the properties in a timely fashion at courthouse auctions. Online auctions would allow Harris County to provide additional information to bidders, require less staffing on the behalf of the county, and help work through the backlog of delinquent properties. This bill:

Authorizes the commissioners court of a county under Section 34.01 (Sale of Property), Tax Code, to authorize the officer charged with selling property to conduct a public auction using online bidding and sale. Authorizes the commissioners court to adopt rules governing such online auctions. Requires that such a sale of real property take place at the county courthouse in the county in which the land is located unless it is sold using online bidding under certain conditions set forth.

Notice of Excess Proceeds From Ad Valorem Tax Sale—S.B. 1725
by Senator Creighton—House Sponsor: Representative Parker

Proceeds of seized or foreclosed real property are distributed as provided by Section 34.02 (Distribution of Proceeds), Tax Code. Any amount in excess is paid to the clerk of the court that issued the sale. In cases in which the excess amount is greater than $25, the clerk must send written notice to the former owner of the property disclosing the excess amount and the procedure for filing a claim. S.B. 1725 requires the clerk to provide notice of the excess amount to the attorney general in addition to the former owner of the property. This bill:

Requires the clerk of the court, under Section 34.03 (Disposition of Excess Proceeds), Tax Code, to send to the attorney general notice of the deposit and amount of excess proceeds if the attorney general or a state agency represented by the attorney general is named as an in rem defendant in the underlying suit for seizure of the property or foreclosure of a tax lien on the property.

Provides that the change in law made by this Act applies to the disposition of excess proceeds of a property tax foreclosure sale paid into court regardless of the date on which the foreclosure sale occurred or the date on which the proceeds were paid into the court. Requires the clerk to mail the required notice as soon as practicable. Prohibits the clerk from distributing those proceeds as provided by Section 34.03, Tax Code, before the second anniversary of the date the notice is mailed.

Transparent and Equitable Application of Ad Valorem Tax Procedures—S.B. 1760
by Senator Creighton et al.—House Sponsor: Representative Dennis Bonnen

S.B. 1760 addresses concerns regarding transparency and equitable application of property tax procedures. Interested parties have asserted that, as in other states, the comptroller of public accounts of the State of Texas (comptroller) should be required to compile and annually publish a list of all individual tax rates in the state by taxing entity and rank them from highest to lowest. It is believed that publication of the information would cause a natural downward deterrent on increases in tax rates.

In an election held to ratify certain school district taxes, the law currently requires the ballot to be prepared to permit voting for or against the proposition and to include the adopted tax rate and the difference between that rate and the rollback tax rate. More transparency could be obtained by requiring the purpose of the tax increase to be provided on the ballot. This bill:

Authorizes a lessee designated by a property owner as the owner's agent, subject to the property owner's approval, to designate a person to act as the lessee's agent for any purpose under this title for which the lessee is authorized to act on behalf of the owner in connection with the owner or the owner's property. Provides that an agent designated by a lessee has the same authority and is subject to the same limitations as an agent designated by a property owner under Section 1.111(a) (relating to authorizing a property owner to designate a lessee), Tax Code.

Provides that a property tax form that requires a signature may be signed by means of an electronically captured handwritten signature. Provides that a property tax form is not invalid or unenforceable solely because the form is a photocopy, facsimile, or electronic copy of the original.

Requires the comptroller to annually prepare a list that includes the total tax rate imposed by each taxing unit in this state, other than a school district, if the tax rate is reported to the comptroller, for the year preceding the year in which the list is prepared. Requires the comptroller to list the tax rates in descending order.

Prohibits a taxing unit from imposing property taxes in any year until the governing body has adopted a tax rate for that year, and the annual tax rate must be set by ordinance, resolution, or order, depending on the method prescribed by law for adoption of a law by the governing body. Sets forth regulations for a vote regarding the ordinance, resolution, or order setting the tax rate.
Requires the governing body of a taxing unit to hold public hearings and give notice of such meetings. Provides that such notices must be posted on the Internet website of the county or municipality if applicable.

Provides that, if an appraisal district employee testifies as to the value of real property in an appeal under Section 42.25 (Remedy for Excessive Appraisal), Tax Code, or 42.26 (Remedy for Unequal Appraisal), Tax Code, the district court may give preference to an employee who is a person authorized to perform an appraisal of real estate under Section 1103.201 (Certificate or License Required), Occupations Code.

Requires that the notice required by Section 49.236 (Notice of Tax Hearing), Water Code, if a district proposes to adopt a combined tax rate that would authorize the qualified voters of the district by petition to require a rollback election to be held in the district, include a description of the purpose of the proposed tax increase.

Appraisals of Real Property Interest in Oil or Gas—S.B. 1985

by Senator Uresti—House Sponsor: Representative Dennis Bonnen

S.B. 1505 (Uresti; SP: Lewis), 82nd Legislature, Regular Session, 2011, amended Chapter 23 (Appraisal Methods and Procedures), Tax Code, to establish a price adjustment factor to determine the ad valorem tax value of a real property interest in oil or gas in place rather than relying on estimates from the comptroller of public accounts of the State of Texas (comptroller). S.B. 1985 amends Chapter 23 to provide that the price adjustment factor is calculated based on an updated price adjustment factor for specific circumstances for the purposes of appraising a real property interest in oil or gas in place. This bill:

Requires the chief appraiser under Section 23.175 (Oil or Gas Interest), Tax Code, except as otherwise provided by this bill, to calculate the price adjustment factor by dividing the spot price of West Texas Intermediate crude oil in nominal dollars per barrel, rather than the price of imported low-sulfur light crude oil in nominal dollars, or the spot price of natural gas at the Henry Hub in nominal dollars per million British thermal units, as applicable, as projected for the current calendar year by the United States Energy Information Administration in the most recently published edition of the Annual Energy Outlook. Sets forth criteria for choosing which published edition of the Annual Energy Outlook to use.

Ad Valorem Taxes and State Reimbursement of Revenue Loss—S.J.R. 1

by Senator Nelson et al.—House Sponsor: Representative Dennis Bonnen

S.J.R. 1 reduces the property tax burden on homeowners by increasing the homestead exemption for school district taxes from $15,000 to $25,000 of the appraised value of the residence. S.J.R. 1 holds harmless the school districts as a result of the increased homestead exemption, and any local taxing units that currently offer the optional homestead exemption must maintain the current exemptions offered for 10 years. S.B. 1 (Nelson; SP: Dennis Bonnen), 84th Legislature, Regular Session, 2015, is the enabling legislation. This resolution:

Provides that the amount of $25,000 of the market value of the residence homestead of a married or unmarried adult, including one living alone, is exempt from ad valorem taxation for general elementary and secondary public school purposes.

Authorizes the legislature to provide that all or part of the exemption does not apply to a district or political subdivision that imposes ad valorem taxes for public education purposes but is not the principal school district providing general elementary and secondary public education throughout its territory.

Authorizes the legislature to additionally exempt an amount not to exceed $10,000 of the market value of the residence homestead of a person who is disabled and of a person 65 years of age or older from ad valorem taxation for general elementary and secondary public school purposes.

Authorizes the legislature to base the amount of and condition eligibility for the exemption for disabled persons and for persons 65 years of age or older on economic need.

Prohibits an eligible disabled person who is 65 years of age or older from receiving both exemptions from a school district but authorizes the person to choose either.

Authorizes the taxing officers of a school district, where ad valorem tax has previously been pledged for the payment of debt, to continue to levy and collect the tax against the value of homesteads exempted until the debt is discharged if the cessation of the levy would impair the obligation of the contract by which the debt was created.

Requires the legislature to provide for formulas to protect school districts against all or part of the revenue loss incurred by the implementation of these exemptions.

Authorizes the legislature by general law to define residence homestead.

Prohibits the total amount of ad valorem taxes imposed on a residence homestead for general elementary and secondary public school purposes from being increased while it remains the residence homestead of the person who receives the exemption or the person's spouse.

Prohibits the total amount of ad valorem taxes imposed on the homestead for general elementary and secondary public school purposes, if a person 65 years of age or older dies in a year in which the person received the exemption, from being increased while it remains the residence homestead of that person's surviving spouse if the spouse is 55 years of age or older at the time of the person's death, subject to any exceptions provided by general law.

Requires the legislature, for a residence homestead subject to the limitation provided by this subsection in the 2014 tax year or an earlier tax year, to provide for a reduction in the amount of the limitation for the 2015 tax year and subsequent tax years in an amount equal to $10,000 multiplied by the 2015 tax rate for general elementary and secondary public school purposes applicable to the residence homestead.

Prohibits the governing body of a political subdivision that adopts an exemption under this subsection from reducing the amount of or repealing the exemption.

Provides that this temporary provision applies to the constitutional amendment proposed by S.J.R. 1, 84th Legislature, Regular Session, 2015.

Transportation Planning and Expenditures—H.B. 20

by Representative Simmons et al.—Senate Sponsor: Senator Nichols

Improving the state's transportation infrastructure system is a top priority for many Texans. While there have been numerous efforts to increase transportation funding, public concern regarding how and why transportation funds are spent continues to grow, placing the infrastructure needs of the state at odds with the public desire for greater transparency and efficiency. This bill:

Amends Section 222.001(a), Transportation Code, relating to the use of money in the State Highway Fund (SHF) that is required by the Texas Constitution or federal law to be used for public roadways.

Removes from the list of permissible uses of the SHF the policing of the state highway system and the administration of state laws relating to traffic and safety on public roads by the Department of Public Safety of the State of Texas (DPS).

Amends Section 201.809 (Statewide Transportation Report), Transportation Code, to require the Texas Transportation Commission (TTC) by rule to develop and implement a performance-based planning and programming process that would provide the governor and the legislature with indicators that quantify and qualify progress toward attaining all of the goals and objectives established for DPS by the legislature and TTC.

Requires TTC by rule to develop and implement certain performance metrics and measures and implement period reporting schedules for all metrics and measures prescribed by the bill.

Requires local transportation organizations to develop a 10-year plan for the use of funding allocated to the region for which the organization develops plans under Subchapter P (Unified Transportation Program), Chapter 201, Transportation Code.

Requires the Texas Department of Transportation (TxDOT) to assist the planning organizations by providing information as is reasonably requested by the planning organizations.

Amends Section 223.242 (Scope of and Limitations on Contracts), Transportation Code, to authorize TxDOT to enter into a design-build contract for a highway project with a construction cost estimate of $150 million or more, rather than $50 million or more.

Repeals the August 31, 2015, expiration date on the provision that prohibits TxDOT from entering into more than three design-build contracts in a fiscal year and specifies that a maintenance agreement requiring a design-build contractor to maintain a project may have an initial term of no longer than five years.

Establishes a nine-member house select committee on transportation planning and a five-member senate select committee on transportation planning.

Requires the speaker of the house and the lieutenant governor to appoint the members and designate the chairs of their chambers' respective committees not later than the earlier of 30 days after the bill takes effect or September 1, 2015.

Requires the select committees, meeting jointly or separately, to review, study, and evaluate certain aspects of transportation funding, project selection and prioritization, performance measures and metrics, and policymaking.

Requires the select committees, not later than November 1, 2016, to jointly adopt and provide a written report of recommendations on the reviewed subjects to the legislature.

Requires TxDOT to submit a report to the select committees that provides information necessary for those committees to review certain factors under the committees' charges.

Vehicle Registration Exemption for Certain Farm Vehicles—H.B. 75

by Representative Mary González—Senate Sponsor: Senator Rodríguez

Many Texas farmers use state highways as an alternative to farm-to-market roads when using their vehicles or transporting equipment. The Texas Department of Motor Vehicles issues a special license plate that exempts them from having to register their vehicle and equipment. Current law does not extend this exemption to farmers who lease or borrow such equipment from local farmers' cooperatives. Without the exemption, these farmers can be fined by Texas highway patrol officers for lack of proper registration. This bill:

Expands the exemption provided by Section 502.146 (Certain Farm Vehicles and Drilling and Construction Equipment), Transportation Code, to apply to a vehicle owned by a farmers' cooperative society incorporated under Chapter 51 (Farmers' Cooperative Societies), Agriculture Code, or a marketing association organized under Chapter 52 (Cooperative Marketing Associations), Agriculture Code, and used by members of the society or association for a fee if the vehicle otherwise meets the requirements for the exemption.

Authorizes such a vehicle owned by a farmer's cooperative society or marketing association to be issued a specialty license plate.

Texas Mobility Fund—H.B. 122

by Representative Pickett—Senate Sponsor: Senators Nichols and Campbell

Voters authorized the creation of the Texas Mobility Fund (TMF) in 2001, establishing it within the treasury of the State of Texas, and authorizing the Texas Transportation Commission (TTC) to administer it. The legislature established TMF to provide a method of financing for the construction, reconstruction, acquisition, and expansion of state highways, including the costs of any necessary design and costs of acquisition of rights-of-way. TMF may also be used to provide for Texas Department of Transportation (TxDOT) participation in the payment of all or a portion of the costs of constructing and providing publicly owned toll roads and other public transportation projects. Therefore, should the revenue and money dedicated to and on deposit in the TMF be insufficient to make payments due on TMF bonds and other obligations, there is appropriated from the state treasury an amount that is sufficient to make payments due on such bonds and other obligations. This bill:

Prohibits TTC from issuing obligations under Section 201.943 (Authority to Issue Obligations; Purposes; Limitations), Transportation Code, or Section 49-k (Texas Mobility Fund), Article III, Texas Constitution, after January 1, 2015, except to refund outstanding obligations to provide savings to the state, to refund outstanding variable rate obligations, and to renew or replace credit agreements relating to the variable rate obligations.

Authorizes TTC, to the extent that money is on deposit in TMF in amounts that are in excess of the money required by the proceedings authorizing the obligations and credit agreements to be retained on deposit, to use the money for any purpose for which obligations may be issued under Subchapter M (Obligations for Certain Highway and Mobility Projects), Chapter 201, Transportation Code, other than for toll roads.

Commendation Medal Specialty License Plates—H.B. 127
by Representative McClendon—Senate Sponsor: Senator Ellis

There are currently over 80 service-related specialty plates, the authority for which has come from legislation passed over the last several legislative sessions. Of the many specialty plates that exist in Texas, there is no plate that recognizes recipients of the various commendation medals issued by the United States Armed Forces. The five plates that have been created were for the Army, Navy and Marines, Air Force, Coast Guard, and Joint Service. This bill:

Requires the Texas Department of Motor Vehicles to issue specialty license plates for recipients of the Commendation Medal for each branch of the military and for joint service. Requires that license plates so issued include the emblem of the appropriate medal and include the name of the medal at the bottom of each plate.

"In God We Trust" Specialty License Plates—H.B. 315
by Representative Raymond et al.—Senate Sponsor: Senators Huffines and Bettencourt

In 1956, "In God We Trust" was adopted as the official motto of the United States. This bill:

Requires the Texas Department of Motor Vehicles (TxDMV) to issue specialty license plates bearing the words "In God We Trust." Requires that the remainder of the fee for issuance of the license plates, after deduction of TxDMV administrative costs, be deposited to the credit of the general revenue fund and provides that it may be appropriated only to the Texas Veterans Commission.

Use of a Court Order as an Occupational License—H.B. 441
by Representative Larry Gonzales—Senate Sponsor: Senator Schwertner

Current law permits a person to use a court order specifying a judge's findings and restrictions in granting an occupational driver's license as a restricted occupational driver's license. The copy of the court order is valid as a restricted license until the 31st day after the date the order takes effect. However, if the Department of Public Safety of the State of Texas fails to send the license to the driver before the court order expires, the driver risks breaking the law or missing work due to the lack of proper licensing documentation. This bill:

Authorizes a person to use a copy of a court order granting an occupational license as a restricted license until the 45th day after the date on which the order takes effect.

Overgrown Vegetation on State Highway Right-of-Way—H.B. 463
by Representative Springer—Senate Sponsor: Senator Kolkhorst

The current procedure for an individual wishing to clear a state highway right-of-way of overgrown vegetation is cumbersome and time-consuming. In order for an individual who does not own the property adjacent to the overgrown right-of-way to contribute to the safety of the community by clearing the right-of-way, the district engineer must give adjacent property owners certain preferences in clearing the right-of-way. This bill:

Requires the district engineer, in a county with a population of more than 10,000, if the person requesting permission to mow, bale, shred, or hoe material on the right-of-way of a portion of a state highway is not the owner of the real property adjacent to the right-of-way that is the subject of the request, to provide the owner of the property the option of moving, baling, shredding, or hoeing material on the right-of-way before granting permission to another person.

Public Transportation Advisory Committee—H.B. 499 [VETOED]
by Representative Guillen—Senate Sponsor: Senator Garcia

Currently, members of the public transportation advisory committee advise the Texas Transportation Commission on the needs of the state's public transportation providers, including the allocation of public transportation funds, and comment on rules involving public transportation. Members of the advisory committee do not have term limits and serve at the pleasure of the appointing officer. Interested parties contend that the committee's lack of term limits has eroded its oversight by the appointing officers, which reduces accountability of the members and overall effectiveness of the committee. This bill:

Requires that the members of the public transportation advisory committee be appointed by the governor, lieutenant governor, and the speaker of the house of representatives, who each appoint:

- one member who represents a diverse cross-section of public transportation providers and may be employed by a transit provider or organization representing transit providers;
- one member who represents a diverse cross-section of transportation users and may not be employed by a transit provider or organization representing transit providers; and
- one member who represents the general public and who may be on the staff of a metropolitan planning organization or rural transportation planning organization but may not be employed by a transit provider or organization representing transit providers.

Provides that members of the committee serve for staggered terms of six years, with the terms of three members expiring on February 1 of each odd-numbered year. Requires that a vacancy on the committee be filled in the same manner as the original appointment for that position.

Provides that the terms of the public transportation advisory committee members serving on the effective date of this bill expire January 31, 2017. Provides that a member of the public transportation advisory committee with a term beginning before the effective date of this bill may be reappointed to the committee.

Powers of Private Toll Project Entities—H.B. 565

by Representative Burkett et al.—Senate Sponsor: Senators Kolkhorst and Hall

Past legislative efforts to prohibit private toll road companies from exercising powers of eminent domain have had an unintended effect on the law that has still not been rectified. The authority to exercise eminent domain has been consolidated instead of restricted equally among those entities. This bill:

Requires the Texas Transportation Commission (TTC) to hold a public meeting concerning a private turnpike or toll project in the region in which the project will be located before TTC may approve the project.

Prohibits a corporation that has the powers, rights, and privileges of a corporation created under former Chapter 11, Title 32, Revised Statutes, as that law existed on August 31, 1991, from exercising the power of eminent domain granted under the former law, notwithstanding Section 30, Chapter 766 (H.B. 749), Acts of the 72nd Legislature, Regular Session, 1991, other than a corporation to which Section 431.073(c) (providing that a corporation in existence on August 31, 1991, has the powers, rights, and privileges of a certain corporation), Transportation Code, applies.

Defines "toll project entity."

Authorizes a private toll project entity to enter into an agreement with a public toll project entity to finance, construct, maintain, or operate a toll road.

Bob Luman Memorial Highway—H.B. 598

by Representative Clardy—Senate Sponsor: Senator Nichols

Fans of country and rockabilly music want to recognize the contributions of Texan Robert Glynn "Bob" Luman to American music, given his familiar chart-topping tunes and various honors, including his induction into both the Rockabilly Hall of Fame and the Texas Country Music Hall of Fame. This bill:

Designates the portion of State Highway 21 in Nacogdoches County between its intersection with County Road 511 and its intersection with Farm-to-Market Road 95 as the Bob Luman Memorial Highway.

Requires the Texas Department of Transportation, subject to a grant or donation of funds, to design and construct markers indicating the designation as the Bob Luman Memorial Highway and any other appropriate information, and to erect a marker at each end of the highway and at appropriate intermediate sites along the highway.

William Hamblen Memorial Highway—H.B. 663
by Representative Ken King—Senate Sponsor: Senator Seliger

William and Ada Hamblen lived in a dugout in Palo Duro Canyon from 1902 to 1905. In order to conduct any business in towns across the canyon, residents living on the south side of the canyon had to travel completely around it to reach the other side. To remedy this problem, William Hamblen constructed a six-mile long wagon trail to reach the opposite side. Over the years, the roadway was incrementally improved until it eventually became part of State Highway 207. This bill:

Designates the portion of State Highway 207 in Armstrong County between its intersection with Farm-to-Market Road 2272 and Farm-to-Market Road 285 as the William Hamblen Memorial Highway.

Requires the Texas Department of Transportation, subject to a grant or donation of funds, to design and construct markers indicating the designation as the William Hamblen Memorial Highway and any other appropriate information, and to erect a marker at each end of the highway and at appropriate intermediate sites along the highway.

Certification to Enforce Commercial Motor Vehicle Safety Standards—H.B. 716
by Representative Lozano—Senate Sponsor: Senator Zaffirini

Increased energy sector activity in the Eagle Ford Shale has led to a dramatic rise in commercial truck traffic in and around the region. Particularly in the areas closest to the Port of Corpus Christi and nearby major highways, where state and county law enforcement entities struggle to adequately enforce weight limits and other safety standards for commercial motor vehicles. The prevalence of illegal oversize and overweight trucks has resulted in an increase in accidents and traffic fatalities. This bill:

Adds a municipality located in a county with a population between 60,000 and 66,000 adjacent to a bay connected to the Gulf of Mexico to the list of municipalities in which a police officer is eligible to apply for certification under Section 644.101 (Certification of Certain Peace Officers), Transportation Code, to enforce commercial motor vehicle safety standards.

Information Regarding Registered Alternatively Fueled Vehicles—H.B. 735
by Representative Israel—Senate Sponsor: Senator Ellis

The Texas Department of Motor Vehicles (TxDMV) has estimated that there are 5,537 electric vehicles and 194,516 hybrid vehicles registered in Texas. The State of Texas currently lacks the necessary procedures to keep an up-to-date count of electric, hybrid, and natural gas vehicles registered in Texas.

Accurate data regarding these alternatively fueled vehicles is critical to planning and estimating funding levels for long-term infrastructure needs because electric, hybrid, and natural gas vehicles generally use less fuel than traditionally powered vehicles. Fuel tax revenues are a primary funding source for building and maintaining Texas roadways and forecasting fuel tax revenue is made more difficult without accurate information on alternatively fueled vehicles. This bill:

Defines "alternatively fueled vehicle."

Requires TxDMV to establish by rule a program to collect information about the number of alternatively fueled vehicles registered in this state.

Requires TxDMV to submit an annual report to the legislature that includes the information so collected. Requires that the report, at a minimum, show the number of vehicles registered in this state that use electric plug-in drives, hybrid electric drives, compression natural gas drives, and liquefied natural gas drives.

Installation of Solar-Powered Stop Signs—H.B. 745

by Representative Bohac—Senate Sponsor: Senator Van Taylor

A significant number of Texas property owners' association members have expressed interest in ensuring the safety of children, pedestrians, and cyclists in their communities by installing solar-powered light-emitting diode (LED) stop signs. However, there is concern that these property owners' associations do not have the authority to install and maintain solar-powered LED stop signs. This bill:

Adds solar-powered LED stop signs to the list of signs a property owners' association is authorized to install on a road, highway, or street in the association's jurisdiction under certain conditions.

Study on Sound Mitigation Measures—H.B. 790

by Representative Burkett et al.—Senate Sponsor: Senator Hancock

Current studies performed by regional tollway authorities are not consistently used to fix problems suggested by recent analyses of certain roadways. This inconsistent use represents a waste of resources by those authorities and results in a lack of pragmatic measures implemented in regard to mitigating local concerns, such as noise arising from turnpike traffic. This bill:

Requires the Texas A&M Transportation Institute (TTI) to conduct a study assessing the implementation and effectiveness of sound mitigation measures on highways that are part of the state highway system and toll roads or turnpikes under the jurisdiction of certain toll project entities. Requires that the study include:

- an analysis of the process and methodology used by the Texas Department of Transportation (TxDOT) or toll project entity for selecting and implementing sound mitigation measures, including factors that affect the process and how outcomes are determined;
- an analysis of whether any kind of live testing is conducted at any point to determine the actual traffic noise level for neighboring properties;
- an evaluation of the effectiveness of the process and methodology in reducing the traffic noise level for neighboring properties; and
- an evaluation of the effectiveness of implemented sound mitigation measures in reducing the traffic noise level for neighboring properties.

Requires TTI to submit a report on the results of the study and any recommendations to the governor, the lieutenant governor, the speaker of the house of representatives, and the presiding officer of each standing committee of the legislature with jurisdiction over transportation matters not later than November 1, 2016.

Specialty License Plates for Antique Buses—H.B. 792

by Representative Clardy—Senate Sponsor: Senator Nichols

Currently, the Texas Department of Motor Vehicles (TxDMV) is required to issue specialty license plates to certain vehicles that are at least 25 years old; are collector's items; are used exclusively for exhibitions, club activities, parades, and other functions of public interest and not for regular transportation; and do not carry advertising. This bill:

Adds buses to the list of vehicles for which TxDMV is required to issue an antique specialty license plate. Requires that the license plates include the words "Antique Auto," "Antique Truck," "Antique Motorcycle," "Antique Bus," or "Military Vehicle," as appropriate.

Alamo Specialty License Plates—H.B. 830

by Representatives Larson and Bernal—Senate Sponsor: Senator Campbell

As an iconic shrine of Texas liberty, the Alamo attracts people from around the world to visit the structure and experience its story. Both the preservation of the shrine and the educational programs that help tell its story are costly and a new revenue source is needed to provide for educational programs and to improve visitors' experiences at the Alamo. This bill:

Requires the Texas Department of Motor Vehicles (TxDMV) to issue specialty license plates that include the image of the Alamo and the word "Remember" at the bottom of each plate.

Requires that the remainder of the fee for issuance of the license plates, after deduction of TxDMV administrative costs, be deposited to the credit of an account created by the Office of the Comptroller of Public Accounts of the State of Texas. Provides that money deposited to that account may be used only by the General Land Office as follows: 75 percent of the money is required to be used for the preservation of the Alamo, and 25 percent of the money is required to be used to enhance the Alamo visitor experience or to fund education programs about the Alamo.

Route 66 Historic Corridor—H.B. 978

by Representatives Price and Springer—Senate Sponsor: Senator Seliger

Currently, several states that have Route 66 in their respective geographic boundaries have designated their portion of the highway as an official "state historic corridor." No such designation currently exists for Route 66 in Texas. This bill:

Requires the Texas Historical Commission (commission) to identify relevant segments of former U.S. Highway 66 located in Texas that are still in use and to designate those segments as a historic corridor. Requires the historic corridor so designated to be known as the Route 66 Historic Corridor.

Notice of Tax Rates for Motor Fuel—H.B. 991

by Representative Bohac et al.—Senate Sponsor: Senator Huffines

Taxes on motor fuel are included in the price paid by motorists at the fuel pump. Consumer advocates have suggested that transparency about tax rates could be improved. This bill:

Requires the Texas Department of Agriculture (TDA) to display on each motor fuel pump from which motor fuel is sold a notice of the current rates of the federal and state motor fuel taxes. Sets forth the requirements of the notice.

Requires TDA to include the notice with any other notice displayed or required by TDA rule to be displayed, including a "Fuel Feedback?" sticker.

Provides that TDA is not required to display such a notice until the later of the date that TDA is at the location of the pump for an inspection or other official business or TDA's inventory of "Fuel Feedback?" stickers on hand on the effective date of this bill is used and TDA acquires new stickers.

Study Assessing Need for the Replacement of Mile Markers—H.B. 1119 [VETOED]

by Representative Hernandez—Senate Sponsor: Senator Garcia

Mile markers along the state highway system serve important functions, such as in locating a motorist who is stranded, involved in a major accident, or who requires other emergency services. However, many mile markers are subject to damage or destruction from general environmental degradation. This can make it difficult for emergency services personnel to locate a motorist on long stretches of highways where there are no discernible landmarks and on long bridges and overpasses. Currently there is no adequate formula that could be used by the Texas Department of Transportation (TxDOT) to prioritize the replacement of damaged or missing mile markers. This bill:

Requires TxDOT, in consultation with the Texas A&M Transportation Institute, to conduct a study assessing the statewide need for the replacement of fallen or damaged mile markers on interstate highways where mile markers are required to be installed under state or federal guidelines.

Requires TxDOT to submit a report on the results of the study and any recommendations to the governor, the lieutenant governor, the speaker of the house of representatives, and the presiding officer of each standing committee of the legislature with jurisdiction over transportation matters not later than January 1, 2017.

Lieutenant Clay Crabb Memorial Highway—H.B. 1237

by Representatives Tinderholt et al.—Senate Sponsor: Senator Burton

Austin Police Department Lieutenant Clay Douglas Crabb was killed in an automobile accident approximately two years ago as he responded to an emergency call. As an esteemed officer in the Austin and San Angelo Police Departments, Lieutenant Crabb garnered the respect and admiration of all who knew him. This bill:

Designates the portion of U.S. Highway 290 between its intersection with Circle Drive in Travis County and its intersection with Hays County Acres Road in Hays County as the Lieutenant Clay Crabb Memorial Highway.

Requires the Texas Department of Transportation, subject to a grant or donation of funds, to design and construct markers indicating the designation as the Lieutenant Clay Crabb Memorial Highway and any other appropriate information, and to erect a marker at each end of the highway and at appropriate intermediate sites along the highway.

Weighing Procedures for Motor Vehicle Weight Enforcement Officers—H.B. 1252
by Representative Pickett—Senate Sponsor: Senator Nichols

Currently, weight enforcement officers are allowed to weigh vehicles with portable or stationary scales to determine if a loaded motor vehicle is in violation of state law. However, weights obtained with portable scales can vary for a number of reasons. Due to a recent increase in penalties for improper weights, many local governments are attempting to weigh vehicles despite the lack of training regarding the proper procedures for using portable scales. This can result in the citation of trucking companies for overweight vehicles when, in fact, the vehicles are of legal weight. This bill:

Requires the Department of Public Safety of the State of Texas (DPS) to establish by rule uniform weighing procedures for weight enforcement officers to ensure that an accurate weight is obtained for a motor vehicle. Authorizes DPS to revoke or rescind the authority of a weight enforcement officer who fails to comply with those rules.

Provides an affirmative defense to the offense of operating a certain vehicle with a weight heavier than the weight authorized by law that at the time of the offense the weight enforcement officer failed to follow the weighing procedures established by DPS when determining the weight of the vehicle.

Route Designation for Oversize and Overweight Vehicles in Certain Counties—H.B. 1321
by Representative Dennis Bonnen—Senate Sponsor: Senator Huffman

The Overweight Corridor Program at the Texas Department of Transportation provides optional routes for certain port authorities or navigation districts (port authorities) for the movement of oversized or overweight vehicles carrying cargo on certain state highways. The program reduces transportation costs, the number of trucks on the road, and vehicle emissions by allowing shippers to load containers to their maximum carrying weight, in addition to making local roads safer for citizens, visitors, and businesses by diverting larger trucks to more appropriate roadways. This bill:

Requires the Texas Transportation Commission (TTC), with the consent of a port authority, to designate the most direct route from certain additional locations set forth for a permit issued by the port authority located in a county that borders the United Mexican States.

Requires TTC, with the consent of a port authority, to designate the most direct route from certain additional locations set forth for a permit issued by the port authority located in a county that is adjacent to at least two counties with a population of 550,000 or more.

Exemption of Certain Vehicles From Registration Fees—H.B. 1360
by Representative Isaac—Senate Sponsor: Senator Zaffirini

Under current law, government-owned vehicles, public school buses, fire-fighting vehicles, and county marine law enforcement vehicles are exempt from the state's required vehicle registration fee, but vehicles used by the United States (U.S.) Coast Guard Auxiliary are not. Accordingly, because the U.S. Coast Guard Auxiliary assists the U.S. Coast Guard during normal and emergency situations, it is consistent with current law to allow for vehicles owned by units of the Coast Guard Auxiliary headquartered in Texas to be exempt from vehicle registration fees. This bill:

Exempts from the payment of a registration fee certain kinds of vehicles, including a vehicle owned by a unit of the United States Coast Guard Auxiliary headquartered in Texas and used exclusively for conduct of United States Coast Guard or Coast Guard Auxiliary business and operations, including search and rescue, emergency communications, and disaster operations.

Requires that an application for registration of such a vehicle include a statement signed by a person having authority to act for the United States Coast Guard Auxiliary that the vehicle is used exclusively in fulfillment of an authorized mission of the United States Coast Guard or Coast Guard Auxiliary, including search and rescue, patrol, emergency communications, or disaster operations.

Regional Tollway Authority with Project in County Outside of Authority—H.B. 1394
by Representative Burns et al.—Senate Sponsor: Senator Birdwell

Counties that are not parties to regional tollway authorities may have projects of those authorities constructed in their counties. Many do not have representation in the governing bodies of the tollway authorities overseeing those projects. This bill:

Provides that a county that is not part of a regional tollway authority (authority) and in which an authority turnpike project is located becomes part of the authority on the date the authority determines that recorded electronic toll collections at toll assessment facilities located in the county account for not less than four percent of all recorded electronic toll collections on all of the authority's turnpike projects and the population of the county is at least four percent of the aggregate population of all the counties of the authority, not including the county that will become part of the authority.

Requires an authority, at the time the authority enters into a primary construction contract for its first project to be located in a county that is not part of the authority, to create an advisory committee to advise the board of directors of the regional tollway authority (board) in matters related to projects located in counties that are not part of the authority. Sets forth the composition of the board.

Provides that an advisory committee member appointed under the provisions of this bill is not a director of the authority.

Authorizes the board to adopt rules governing the operation and duties of an advisory committee.

Authorizes an authority to acquire, construct, operate, maintain, expand, or extend a turnpike project in a county that is part of the authority or, subject to the provisions of this bill, a county in which the authority

operates or is constructing a turnpike project if the turnpike project in the affected county is a continuation of the authority's turnpike project or system extending from an adjacent county.

Requires the commissioners court of each county that created the authority under Section 366.031 (Creation and Expansion of a Regional Tollway Authority), Transportation Code, to appoint one additional director, in addition to directors appointed by a commissioners court under Section 366.251(b) (relating to the appointment of directors to serve on an authority's board), Transportation Code.

Issuance of the Texas Airport Directory—H.B. 1605

by Representative "Mando" Martinez—Senate Sponsor: Senator Van Taylor

The Texas Airport Directory is printed to provide aeronautical information for the approximately 400 airports that are open to the public. This Texas Department of Transportation (TxDOT) publication includes more information than the Federal Aviation Administration's (FAA) directory, such as rental car, lodging, restaurant, and fixed-base operator information, as well as improved airport diagrams. In 2012, only about 100 of the 400 printed were sold and the rest were given to FAA offices. Removing the fee associated with the airport directory will encourage more general aviation interest, knowledge, and safety. The cost of doing so can easily be absorbed through the TxDOT Aviation Division's current funding levels. This bill:

Authorizes TxDOT to issue the Texas Airport Directory, sell advertising in the directory, and advertise the directory in other publications.

Prohibits TxDOT from charging a fee for furnishing the Texas Airport Directory.

Provides that TxDOT is not required to issue more than 110 percent of the number of copies of the Texas Airport Directory issued in the preceding state fiscal year.

Term for a Lease of Land Owned by Certain Navigation Districts—H.B. 1716

by Representatives Oliveira and Deshotel—Senate Sponsor: Senator Lucio

As a result of increasing attention from interests seeking to invest in Texas ports, navigation districts need greater flexibility relating to the leasing period to encourage infrastructure investment. This bill:

Authorizes the navigation and canal commission (commission) to lease the surface of land for not more than 50 years, rather than 30 years, by the entry of an order on the minutes of the commission and the execution of a lease in the manner provided by the original order. Prohibits the lease from extending beyond the 50-year period, rather than 30-year period, by renewal, extension, or otherwise. Makes conforming changes.

Establishing Insurance Requirements for Certain Drivers—H.B. 1733

by Representative Smithee—Senate Sponsor: Senators Watson and Hancock

The emergence of transportation network companies (TNCs) such as Uber and Lyft has exposed gaps in the automobile insurance policies available to TNC drivers. While personal insurance does not cover

accidents that occur while a driver is transporting a passenger for money, commercial automobile policies may be too expensive or inappropriate for TNC drivers. This bill:

Establishes automobile insurance requirements for a TNC driver that provide for coverage while the driver is transporting a fare-paying customer and while the driver is logged on to the TNC's digital network in between fare-paying customers. The coverage may be maintained by the driver or the TNC on the driver's behalf.

Requires a TNC to provide the required coverage beginning with the first dollar of a claim against a driver if a policy that is maintained by the driver has lapsed or provides insufficient coverage.

Authorizes an insurer to exclude a loss or injury from coverage under a personal insurance policy if the loss or injury occurs while a driver is logged on to a TNC digital network or is engaged in a prearranged ride.

Use of Certain Highway Rights-of-Way—H.B. 1738
by Representative Isaac—Senate Sponsor: Senator Campbell

While revising state law relating to eminent domain, the legislature added certain reversion provisions to state highway right-of-way deed transfer procedures. These provisions prevent transportation rights-of-way from being used for any purpose other than public transportation. Unfortunately, the legislature failed to envision a situation where public transportation could be improved by swapping old, unsafe, and inefficient rights-of-way for improved rights-of-way. This bill:

Authorizes a municipality that received a certain highway right-of-way from the Texas Department of Transportation (TxDOT) that is described by the provisions of this bill to enter into an agreement with TxDOT, with the approval of its governing body after a public hearing, under which:

- TxDOT agrees to recommend to the governor that an instrument releasing the reservation be executed and, if executed, record the instrument in the deed records of the county in which the right-of-way is located; and
- the municipality, if the instrument releasing the reservation is executed, agrees to transfer the right-of-way to one or more landowners in exchange for real property with a value that is equal to or greater than the value of the right-of-way and that is described by the provisions of this bill, use the acquired real property for public road purposes necessary to accomplish a portion of a transportation master plan adopted by the municipality's governing body at a public meeting in February 2008, and execute and record in the deed records of the county in which the acquired real property is located a restrictive covenant that grants the real property to the state if the real property ceases to be used for public road purposes.

Sets forth the tracts of the real property to be exchanged.

Oversize and Overweight Vehicles in Certain Counties—H.B. 1741
by Representative Lucio III—Senate Sponsor: Senator Lucio

Additional overweight corridors will enhance the growth of the port and surrounding industrial areas in a county that border the United Mexican States. This bill:

Requires the Texas Transportation Commission, with the consent of a port authority or navigation district, to designate the most direct route from the Free Trade International Bridge to certain specified locations set forth for a permit issued by the port authority located in a county that borders the United Mexican States.

Transfer of Driver and Traffic Safety Education—H.B. 1786
by Representative Dutton—Senate Sponsor: Senator Campbell

The Texas Education Agency (TEA) has regulated the private driver training industry since 1989 and has contracted with the Region 13 Education Service Center in Austin to perform this function since 2011. TEA spends about $1.8 million on this program to license more than 1,000 private schools and nearly 3,000 instructors. The costs of the regulation are fully covered by license fees and the sale of 1.2 million certificates for course completion. Public schools that offer driver education are exempt from licensure and represent only two percent of the certificates sold. Parent-taught driver education courses are approved by the Department of Public Safety (DPS). This bill:

Transfers the duties and responsibilities of administering the driver and traffic safety education program from the Texas Education Agency (TEA) to the Texas Department of Licensing and Regulation (TDLR).

Requires the Texas Commission of Licensing and Regulation (TCLR) to establish an advisory committee to provide technical expertise from the driver training industry.

Removes the statutory requirement to license driver training school directors, assistant directors, and administrative staff.

Removes the fixed driver training fee amounts and fee caps from statute and increases the statute's maximum administrative penalty.

Requires TDLR to maintain information on driver training complaints and to use the State Office of Administrative Hearings to conduct hearings on driver training enforcement cases.

Transfers all functions of the parent-taught driver education program, including approval, auditing, and overview, from the Department of Public Safety of the State of Texas to TDLR.

Agreements of Certain Counties Relating to a Toll Bridge—H.B. 1833
by Representative Pickett—Senate Sponsor: Senator Rodríguez

Removing the population bracket from relevant Texas statute that allows certain counties on the United States-Mexico border to operate a toll bridge, including an international toll bridge, will allow any county

along the United States-Mexico border to determine the most efficient method to operate these critical facilities and contract with another entity if it is determined to be the best option. This bill:

Repeals Section 364.004(c) (providing that Section 364.004 (Agreements Relating to Toll Bridge) does not apply to a county with a population of more than 675,000), Transportation Code.

Operation of Commercial Motor Vehicles—H.B. 1888

by Representative Capriglione—Senate Sponsor: Senator Van Taylor

The state has a responsibility to ensure the safety of drivers and passengers on Texas roads by ensuring that all drivers have met the necessary requirements for operating a motor vehicle, including commercial motor vehicles (CMVs). Additionally, clarification regarding the licensing procedures for CMV operators is required. This bill:

Requires DPS to establish an image verification system based on certain identifiers collected by DPS, including an applicant's thumbprints, or if thumbprints cannot be taken, the index fingerprints of the applicant.

Prohibits a person from driving a CMV unless the person meets certain requirements, including having in the person's immediate possession a commercial learner's permit (CLP) and driver's license (DL) issued by DPS and being accompanied by the holder of a commercial driver's license (CDL) issued by DPS with any necessary endorsements appropriate for the class of vehicle being driven, who, for the purpose of giving instruction in driving the vehicle, at all times occupies a seat beside the permit holder or, in the case of a passenger vehicle, directly behind the driver in a location that allows for direct observation and supervision of the permit holder.

Provides that an offense under Section 522.011 (License or Permit Required; Offense), Transportation Code, is a misdemeanor punishable by a fine not to exceed $500, except that the offense is a misdemeanor punishable by a fine not to exceed $1,000 if it is shown during the trail of the offense that the defendant was convicted of an offense under Section 522.011, Transportation Code, in the year preceding the date of the offense that is the subject of the trial. Provides that it is a defense to prosecution for such a violation if the person charged produces in court a CLP or DL, as appropriate, that was issued to the person and was valid when the offense was committed. Provides that the court may assess a defendant an administrative fee not to exceed $10 if such a charge is dismissed because of this defense.

Authorizes DPS to issue a non-domiciled CDL or CLP to a person domiciled in a foreign jurisdiction if the United States Secretary of Transportation has determined that the CMV testing and licensing standards in the foreign jurisdiction do not meet the testing standards established by 49 C.F.R. Part 383. Requires an applicant for a non-domiciled CDL to surrender any non-domiciled CDL issued by another state. Requires DPS, before issuing a non-domiciled CDL or CLP, to establish the practical capability of disqualifying the person under the conditions applicable to a CDL or commercial leaner's permit issued to a resident of the state. Requires that "non-domiciled" appear on the face of a license or permit so issued.

Authorizes DPS to issue a temporary non-domiciled CDL to a person who does not present a social security card as required but who otherwise meets the requirements for a non-domiciled CDL, including the requirement that the CMV testing and licensing standards of the country where the applicant is domiciled

not meet the testing and licensing standards established by 49 C.F.R. Part 383. Provides that a license so issued expires on the earlier of the 60th day after the date the license is issued or the expiration date of any Form I-94 Arrival/Departure record or a successor document and may not be renewed. Prohibits DPS from issuing more than one temporary non-domiciled CDL to a person.

Authorizes DPS to issue a CLP to an individual who has been issued a DL by DPS and has passed the vision and written tests required for the class of vehicle to be driven. Provides that the issuance of a CLP is required for the initial issuance of a CDL or the upgrade in classification of a CDL that requires a skills test. Prohibits a CLP holder from taking a CDL skills test before the 15th day after the date of the issuance of the permit. Sets forth certain requirements for the CDL and CLP.

Authorizes a person to drive a CMV in this state if:

- the person has a CDL or a CLP issued by certain entities; and
- if the person has a CLP, the person also has a DL issued by the same jurisdiction that issued the permit, among other requirements.

Requires that an application for a CDL or CLP include certain personal information, including the applicant's Social Security number, unless the application is for a non-domiciled CDL and the applicant is domiciled in a foreign jurisdiction. Requires an applicant, if applying for a non-domiciled CDL and the applicant is domiciled in a foreign jurisdiction that does not meet the testing and licensing standards established by 49 C.F.R. Part 383, to present certain materials, including an unexpired foreign passport issued to the applicant, either a Form I-94 Arrival/Departure record or its successor document or an unexpired employment authorization document, and documentation demonstrating proof of Texas residence. Provides that a person who knowingly falsifies information or a certification so required commits an offense and is subject to a 60-day disqualification of the person's CDL, CLP, or application. Provides that such an offense is a Class C misdemeanor.

Authorizes DPS to administer a skills test to a person who holds a CLP issued by another state or jurisdiction. Prohibits DPS from issuing a CDL to a person who has a DL, CDL, or CLP issued by another state unless the person surrenders the license or permit. Requires DPS to notify the issuing state of the surrendered license or permit.

Requires DPS to check the applicant's driving record as required by 49 C.F.R. Section 383.73 before issuing a CDL or CLP.

Authorizes DPS to issue a Class A, Class B, or Class C CDL or CLP. Authorizes the holder of a CDL or CLP to drive any vehicle in the class for which the license or permit is issued and lesser classes of vehicles except a motorcycle or moped.

Authorizes DPS to issue a CLP with endorsements authorizing the driving of a passenger vehicle, a school bus, or a tank vehicle. Provides that such an endorsement for a passenger vehicle or a school bus allows a permit holder to operate a vehicle with only certain passengers as set forth. Provides that such an endorsement for a tank vehicle allows a permit holder to operate only an empty tank vehicle that has been purged of any hazardous materials. Prohibits the holder of a CDL or CLP from driving a vehicle that requires an endorsement unless the proper endorsement appears on the license or permit. Provides that a

person commits an offense if the person violates the above provisions relating to endorsements, and that such an offense is a Class C misdemeanor.

Provides that, except as provided by Section 522.013 (Nonresident License), Transportation Code, a non-domiciled CDL other than a temporary non-domiciled CDL expires on:

- the earlier of the first birthday of the license holder occurring after the fifth anniversary of the date of the application or the expiration date of the license holder's lawful presence in the United States as determined by the appropriate United States agency in compliance with federal law; or
- the first anniversary of the date of the issuance, if there is no definitive expiration date for the applicant's authorized stay in the United States.

Provides that a CLP expires on the earlier of the expiration date of the DL or CDL, or the 181st day after the date of issuance. Authorizes a CLP to be renewed once for an additional 180 days without requiring the applicant to retake the general and endorsement knowledge tests.

Authorizes DPS, in the manner ordered by a court in another state in connection with a matter involving the violation of a state law or local ordinance relating to motor vehicle traffic control and on receipt of the necessary information from the other state, to deny renewal of the CDL or CLP issued to a person by DPS under certain conditions set forth. Requires DPS to apply any notification so received as a conviction to the person's driving record. Requires DPS to renew the person's CDL or CLP on receipt of notice from the other state that the grounds for denial of the renewal of the CDL or CLP based on the license holder's previous failure to appear or failure to pay a fine and costs previously reported by that state under Section 522.0541 (Denial of Renewal of Commercial Driver License), Transportation Code, have ceased to exist.

Requires a person who holds or is required to hold a CDL or a CLP under Chapter 522 (Commercial Driver's Licenses), Transportation Code, and who is convicted in another state of violating a state law or local ordinance relating to motor vehicle traffic control to notify DPS in the manner specified by DPS not later than the seventh day after the date of conviction. Requires a person who holds or is required to hold a CDL or a CLP under Chapter 522, Transportation Code, and who is convicted in another state of violating a state law or a local ordinance relating to motor vehicle traffic control, including a law regulating the operation of vehicles on highways, to notify the person's employer in writing of the conviction not later than the seventh day after the date of conviction. Requires that a notification to DPS or an employer be in writing and contain certain criteria, including the driver's license or permit number.

Requires DPS, if a person holds a DL, CDL, or CLP issued by another state and is finally convicted of a violation of a state traffic law or local traffic ordinance that was committed in a CMV, to notify the driver's licensing authority in the issuing state of that conviction, in the time and manner required by 49 U.S.C. Section 31311.

Provides that a person commits an offense if the person drives a CMV on a highway:

- after the person has been denied the issuance of a license or permit, unless the person has a DL appropriate for the class of vehicle being driven that was subsequently issued;
- during a period that a disqualification of the person's DL, permit, or privilege is in effect;
- while the person's DL or permit is expired, if the license or permit expired during a period of disqualification; or
- during a period that the person was subject to an order prohibiting the person from obtaining a DL

or permit, among other provisions.

Provides that it is not a defense to prosecution that the person had not received notice of a disqualification imposed as a result of a conviction that results in an automatic disqualification of the person's DL, permit, or privilege.

Provides that a person who holds a CDL or CLP is disqualified from driving a CMV for certain periods of time for certain convictions set forth while operating any type of motor vehicle.

Provides that this provision applies to a violation committed while operating any type of motor vehicle, including a CMV, except as provided by this provision of this bill. Provides that a person who holds a CDL or CLP is disqualified from driving a CMV for one year after committing certain violations while operating any type of motor vehicle, including:

- on first conviction of driving a motor vehicle under the influence of alcohol or a controlled substance, including a violation of certain sections of the Penal Code; or
- driving a CMV while the person's CDL or CLP is revoked, suspended, or canceled, while the person is disqualified from driving a CMV, for an action or conduct that occurred while operating a CMV.

Provides that a person is prohibited from being issued a CDL or CLP and is disqualified from operating a CMV if, in connection with the person's operation of a CMV, the person commits certain offenses or engages in certain conduct. Provides that a person who holds a CDL or CLP is disqualified from operating a CMV if the person's driving is determined to constitute an imminent hazard under 49 C.F.R. Section 383.52.

Provides that a disqualification under certain provisions of this bill or Texas law takes effect on the 10th day after the date DPS issues the order of disqualification.

Provides that a suspension, revocation, cancellation, or denial of a DL, permit, or privilege under Chapter 521 (Driver's Licenses and Certificates), Transportation Code, or another law of this state disqualifies the person under Chapter 522, Transportation Code. Provides that if DPS disqualifies a person under Chapter 522, Transportation Code, for a longer period than the other law, the person is disqualified for the longer period.

Requires DPS to remove the CDL privilege from the holder of a CDL or a CLP if the holder fails to provide DPS a self-certification of operating status or fails to provide and maintain with DPS a current medical examiner's certificate that is required based on the self-certification.

Requires DPS, on receipt of a report under Section 522.104 (Submission of Report to Department), Transportation Code, to disqualify the person from driving a CMV under Section 522.081 (Disqualification), Transportation Code, beginning on the 45th day after the date the report is received unless a hearing is granted.

Requires TxDMV or the county assessor-collector registering a vehicle to verify that the vehicle complies with certain applicable inspection requirements as indicated in the DPS inspection database before a vehicle may be registered, except as provided by certain provisions of this bill. Provides that this provision

does not apply to a vehicle that is being registered under the International Registration Plan or a token trailer, including a token trailer that is being registered for an extended period.

Authorizes TxDMV or a county assessor-collector to register a vehicle that is not in compliance with certain applicable inspection requirements if the vehicle is located in another state at the time the applicant applies for registration or registration renewal under Chapter 502 (Registration of Vehicles), Transportation Code, and the applicant certifies that the vehicle is located in another state and the applicant will comply with those certain applicable inspection requirements and DPS administrative rules regarding inspection requirements once the vehicle is operated in this state. Requires TxDMV or the county assessor-collector to add a notation to the TxDMV's registration database for law enforcement to verify the inspection status of the vehicle.

Provides that a person commits an offense if the person operates in this state a vehicle for which a certification was provided under certain provisions of this bill and the vehicle is not in compliance with certain applicable inspection requirements or DPS administrative rules regarding inspection requirements. Authorizes a peace officer to require the owner or operator to produce a vehicle inspection report issued for the vehicle if TxDMV's registration database includes a notation for law enforcement to verify the inspection status of the vehicle. Provides that it is a defense to prosecution that a passing vehicle inspection report issued for the vehicle is in effect at the time of the offense. Requires a court to dismiss a charge under this provision if the defendant remedies the defect not later than the 20th working day after the date of the citation or before the defendant's first court appearance, whichever is later, and not later than the 40th working day after the applicable deadline provided by Chapter 548, Transportation Code, Chapter 382 (Clean Air Act), Health and Safety Code, or DPS administrative rules regarding inspection requirements, and assess an administrative fee not to exceed $20 when the charge has been remedied. Provides that an offense under this provision is a Class C misdemeanor.

Requires an accused or defendant, or a party to a civil suit, as applicable, to pay certain fees and costs under the Transportation Code not to exceed $20 if ordered by the court or otherwise required under certain circumstances, including an administrative fee on remediation of charge of operating a vehicle without complying with inspection requirements.

Requires DPS to delete or redact from its records any fingerprint collected from an applicant for a DL or personal identification certificate in a manner that does not comply with Section 521.142(b)(1) (relating to the inclusion of the thumbprints or index fingerprints of an applicant in an application for an original license), Transportation Code, not later than December 31, 2015.

Texas Game Warden Michael C. Pauling Memorial Highway—H.B. 1963
by Representative Deshotel—Senate Sponsor: Senator Creighton

Texas lost a valuable member of the law enforcement community with the death of Texas Game Warden Michael C. Pauling. Game Warden Pauling's selfless service in the United States armed forces, in the medical service corps, as a Texas game warden, and in the protection of the vulnerable should be honored with a tribute as outstanding and reputable as his career. This bill:

Designates the portion of State Highway 87 from the bridge over the intercoastal canal in Port Arthur to its intersection with Farm-to-Market Road 3322 in Sabine Pass as the Texas Game Warden Michael C. Pauling Memorial Highway.

Requires the Texas Department of Transportation, subject to a grant or donation of funds, to design and construct markers indicating the designation as the Texas Game Warden Michael C. Pauling Memorial Highway and any other appropriate information, and to erect a marker at each end of the highway and at appropriate intermediate sites along the highway.

Permits for Oversize or Overweight Vehicles on Certain Highways—H.B. 1969

by Representative "Mando" Martinez—Senate Sponsor: Senator Lucio

A primary factor of the economy in certain communities along the Texas-Mexico border with an international bridge is the commercial traffic crossing the bridge. However, because of differing truck weight regulations between Texas and Mexico, some trucks must stop before crossing into Texas and redistribute their loads among several other trucks to comply with Texas regulations. This procedure represents another obstacle to an already laborious and time-consuming process, and the extra time spent shifting loads and weights results in lost revenue and hurts the economy in Texas and across the United States. Designating certain overweight vehicle corridors on Texas roadways that allow for more efficient truck transport is one solution to this obstacle. This bill:

Adds certain roads to the list of those for which Texas Transportation Commission may authorize a regional mobility authority (authority) to issue permits for the movement of oversize or overweight vehicles carrying cargo in Hidalgo County.

Requires the authority to file with the Texas Department of Transportation (TxDOT) a bond in an amount set by TxDOT, payable to TxDOT, and conditioned such that the authority will pay to TxDOT the amount by which the annual cost to repair any damage to those roads and highways for which the authority issues permits from the movement of oversize and overweight vehicles exceeds the annual amount paid to TxDOT under certain provisions of Texas law. Requires TxDOT to set the amount of the bond required in an amount equal to the estimated annual cost to repair any damage to roads and highways for which the authority issues permits from the movement of oversize and overweight vehicles.

Transfer of Certain Property From TxDOT to the University of Houston—H.B. 1982

by Representative Rick Miller—Senate Sponsor: Senator Kolkhorst

The University of Houston System requires additional space to build and expand facilities at its Sugar Land campus. The Texas Department of Transportation (TxDOT) currently holds an unused surplus of land that is adjacent to the campus. This land is an ideal location for an academic building that would allow the campus to add much-needed programs. This bill:

Requires TxDOT to donate and transfer to the University of Houston the real property described herein not later than December 31, 2015.

Provides that the University of Houston may use the property so transferred only for a purpose that benefits the public interest of the state, and that if the property is used for any other purpose, ownership of the property automatically reverts to TxDOT.

Requires TxDOT to transfer the property by an appropriate instrument of transfer and sets forth the requirements for that instrument.

Required Notice of Certain Lienholders—H.B. 2076

by Representative Oliveira—Senate Sponsor: Senator Harless

Interested parties have expressed concerns regarding confusion surrounding the timeline for certain lienholders on a motor vehicle, motorboat, vessel, or outboard motor to give notice that the lienholder intends to collect on the lien. The parties have called for a more effective and secure notification process. This bill:

Sets forth the conditions for release of a worker's lien on a motor vehicle, motorboat, vessel, or outboard motor and prohibits a worker's right to possession of such an article from being assigned to a third party in return for payment of any amount due to the possessory lienholder.

Requires that a copy of the notice given to the owner or holder of a lien on a motor vehicle, motorboat, vessel, or outboard motor be filed with the county tax assessor-collector's office.

Provides that the public sale of the motor vehicle, motorboat, vessel, or outboard motor may not take place before the 31st day after the date a copy of the notice was filed with the county tax assessor collector's office.

Requires the county tax assessor-collector to provide notice, not later than the 15th business day after the date the county tax assessor-collector receives such notice, to the owner of the motor vehicle and each holder of a lien recorded on the certificate of title of the motor vehicle.

Inspection Period for Motor Vehicles Purchased by Commercial Fleet Buyers—H.B. 2115

by Representative Phillips et al.—Senate Sponsor: Senator Nichols

Due to the volume required to meet demand in Texas, rental car companies purchase new rental vehicles from both in-state and out-of-state sources. Currently, only new cars sold in Texas can have a two-year inspection sticker, resulting in a situation where two identical new rental vehicles may have different initial inspection periods. This is an administrative burden for rental companies that results in re-inspection costs on cars with one-year inspections that are ultimately borne by consumers. This bill:

Provides that the initial inspection period is two years for a passenger car or light truck that is sold in this state or purchased by certain commercial fleet buyers for use in this state.

Obsolete Laws Governing County Road Systems—H.B. 2121
by Representative Tracy O. King—Senate Sponsor: Senator Zaffirini

The Texas Legislative Council (TLC) reports that Article 6812b, Vernon's Texas Civil Statutes, is outdated and no longer applies to any county. TLC therefore recommends removing the entire article because it is either so antiquated that it would be unrealistic to follow, or has been superseded by modern law and thus is no longer applicable. This bill:

Repeals Chapter 300 (H.B. 490), Acts of the 52nd Legislature, Regular Session, 1951 (Article 6812b, Vernon's Texas Civil Statutes).

George and Cynthia Mitchell Memorial Causeway—H.B. 2181
by Representatives Faircloth and Smith—Senate Sponsor: Senator Larry Taylor

George P. Mitchell (1919-2013) was born in Galveston, Texas, in 1919 and discovered a method to unlock the natural gas and oil contained in the dense shale formation thousands of feet below the earth's surface that started an industry revolution to drive a boom in oil and gas production.

Cynthia Mitchell, the wife of George Mitchell, also created her own legacy as a dedicated supporter of the arts, educational initiatives, and humanitarian issues. She spearheaded the effort to launch the University of Houston's Distinguished Authors Program, helped establish the Global Children's Foundation to provide safe havens for young victims of war and tyranny, and helped develop the Houston Symphony.

The Mitchells led efforts to revitalize their hometown of Galveston, Texas, by taking leading roles in the rejuvenation of Galveston's historic Strand District through restoration of many commercial buildings. Given George and Cynthia Mitchell's contribution to the City of Galveston and also to the state of Texas, it is fitting to name the causeway connecting the city with the rest of the state as the George and Cynthia Mitchell Memorial Causeway. This bill:

Designates the structure on Interstate Highway 45 that connects Galveston Island to the Texas mainland commonly known as the Galveston Causeway as the George and Cynthia Mitchell Memorial Causeway.

Requires the Texas Department of Transportation, subject to a grant or donation of funds, to design and construct markers indicating the designation as the George and Cynthia Mitchel Memorial Causeway and any other appropriate information, and to erect a marker at each end of the causeway and at appropriate intermediate sites along the causeway.

Unattended Motor Vehicle—H.B. 2194
by Representatives Springer and Guillen—Senate Sponsor: Senator Burton

Current Texas law prohibits an operator of a motor vehicle from leaving the vehicle unattended under certain conditions and applies only to those vehicles located on streets and highways. However, citizens whose vehicles are located on their own private property are continually being cited for leaving their vehicles running and unattended due to confusion regarding whether the statute applies to private property.

Additionally, current law is archaic and does not reflect the current technologies available to newer vehicles that have remote starting systems. This bill:

Provides that the statute prohibiting the operator of a vehicle from leaving the vehicle unattended do not apply to an operator who starts the engine of a vehicle by using a remote starter or other similar device that remotely starts the vehicle's engine without placing the key in the ignition.

Access to Criminal History Information by a County Tax Assessor-Collector—H.B. 2208
by Representative Herrero—Senate Sponsor: Senator Hinojosa

The current licensing process for a motor vehicle title service company allows tax assessor-collectors to obtain certain information on the motor vehicle title service company applicant in order to assess the risk of potential title fraud. This procedure uses local law enforcement to run a county-wide background check on behalf of the tax assessor-collector to verify information provided by the applicant. However, the search is limited to only a specific county, and may be unable to verify whether the applicant has been convicted of a crime in a different county. Concerns have been raised about the tax assessor-collector's ability to stop title fraud in light of this limitation. This bill:

Provides that a county tax assessor-collector in a county with a population of more than 500,000 or in which the commissioners court has adopted Subchapter E (Motor Vehicle Title Services), Chapter 520, Transportation Code, is entitled to obtain from the Department of Public Safety of the State of Texas (DPS) criminal history record information maintained by DPS that relates to a person who is an applicant for a motor vehicle title service license issued under Subchapter E, Chapter 520, Transportation Code.

Authorizing a Tow Rotation—H.B. 2213
by Representative Metcalf—Senate Sponsor: Senator Creighton

Montgomery County is one of the fastest growing areas of Texas, and increased traffic is a part of that growth. With hundreds of registered tow trucks within the county, observers note that it is not uncommon for more trucks than is necessary to arrive at the scene of an accident, thereby increasing the likelihood of secondary accidents. Advocates contend that the adoption of a rotation list in certain areas of the county may address this issue. This bill:

Adds the Montgomery County Sheriff's Office to the list of those authorized to maintain a tow rotation list for nonconsent tows of motor vehicles in the county's unincorporated area that are initiated by a peace officer investigating a traffic accident or a traffic incident.

Information Required for a Driver's License—H.B. 2216
by Representatives Coleman and Burkett—Senate Sponsor: Senator Kolkhorst

Most of the questions driver's license (DL) applicants must answer relate to conditions or illnesses that may impair a person's ability to drive. However, one of those questions inquires about a person's psychiatric history without reference to its effect on the applicant's ability to drive. A person answering in the affirmative to any of the questions is interviewed by trained personnel on site and a separate form is completed to

determine whether a driving test is necessary. This is unfairly prejudicial to those with a medical history containing a psychiatric illness that does not affect the person's ability to drive. This bill:

Prohibits an application from including an inquiry regarding the mental health of the applicant, including an inquiry as to whether the applicant has been diagnosed with, treated for, or hospitalized for a psychiatric disorder, other than a general inquiry as to whether the applicant has a mental condition that may affect the applicant's ability to safely operate a motor vehicle.

Automobile Burglary and Theft Prevention Authority Fee—H.B. 2424
by Representative Senfronia Thompson—Senate Sponsor: Senator Eltife

The Automobile Burglary and Theft Prevention Authority (authority) is funded by a fee charged on all automobile insurance policies. When an insurance company overpays these fees, the company must request a refund within six months. Advocates contend that this period is too short. The bill:

Extends the deadline to request a refund of a fee paid to the authority to not later than four years after the date of the payment.

Texas Ranger Glenn Elliott Memorial Highway—H.B. 2540
by Representative Simpson—Senate Sponsor: Senator Eltife

Texas Ranger Glenn Elliott led a long and illustrious career in service to the State of Texas and its citizens. According to the many people who knew him and those in the law enforcement community, Glenn Elliott was a true hero who embodied what it meant to be a Texas Ranger. This bill:

Designates Spur 63 in Gregg County between its intersection with U.S. Highway 80 and Spur 502 as the Texas Ranger Glenn Elliott Memorial Highway.

Requires the Texas Department of Transportation, subject to a grant or donation of funds, to design and construct markers indicating the designation as the Texas Ranger Glenn Elliott Memorial Highway and any other appropriate information, and to erect a marker at each end of the highway and at appropriate intermediate sites along the highway.

Authority and Operation of Regional Tollway Authorities—H.B. 2549
by Representative Yvonne Davis—Senate Sponsor: Senator Hancock

The State of Texas stands to benefit from the enhanced efficiency of regional tollway authority operation. This bill:

Provides that for purposes of Subchapter C (Nonpayment of Tolls; Remedies), Chapter 372, Transportation Code, a toll project for which a regional tollway authority provides tolling services under a tolling services agreement is considered a toll project of the regional tollway authority and the regional tollway authority is considered the toll project entity with respect to all rights and remedies arising under Subchapter C, Chapter 372, Transportation Code, regarding the toll project. Prohibits the regional tollway authority from

stopping, detaining, or impounding a vehicle as authorized under Subchapter C, Chapter 372, Transportation Code, on a toll project's active traffic lanes unless a tolling service agreement addresses that action.

Requires the registered owner of a vehicle to pay the unpaid tolls included in an invoice sent by the regional tollway authority not later than the 25th day after the date the invoice is mailed, or not later than the 25th day after the date the invoice is mailed to the correct address, if the address to which the invoice is initially mailed is determined to be incorrect.

Requires the regional tollway authority to send the first notice of nonpayment not later than the 30th day after the date the 25-day period expires for the registered owner to pay the invoice, unless the regional tollway authority requires additional time to send a notice of nonpayment because of events outside the regional tollway authority's reasonable control. Requires the regional tollway authority to send the notice not later than the 60th day after the date the 25-day period expires for the registered owner to pay the invoice if an authority requires additional time. Requires that the first notice of nonpayment require payment of the unpaid tolls included in the invoice and the administrative fee before the 25th day after the date the first notice of nonpayment is mailed.

Authorizes the court of the local jurisdiction in which the unpaid toll was assessed to assess and collect the fine in addition to any court costs. Authorizes the court to collect and forward to the regional tollway authority properly assessed unpaid tolls, administrative fees, and third-party collection service fees incurred by the regional tollway authority as determined by the court after a hearing or written agreement of the registered owner.

Provides that an authority may provide an invoice or notice as an electronic record if the recipient of the information agrees to the transmission of the information as an electronic record.

Requires a regional tollway authority to file with the commissioners court of each county of the regional tollway authority a written report on the authority's activities not later than June 30 of each year.

Report Regarding the Elimination of Toll Roads—H.B. 2612

by Representatives Pickett et al.—Senate Sponsor: Senator Hall et al.

There are multiple toll roads around the state that could have their tolls removed if funding were in place to accelerate the payment schedule of debt service on bonds or to make a complete lump-sum payment of debt service on bonds. This bill:

Requires TxDOT, not later than September 1, 2016, to submit to each standing committee of the Senate and House of Representatives that has primary jurisdiction over transportation matters a report that: lists the amount of debt service on bonds issued for each toll project in Texas; identifies, based on criteria provided by the Texas Transportation Commission, bonds that would be appropriate for accelerated or complete lump-sum payment of debt service; and proposes a plan to eliminate all toll roads in this state, except for tolls on roads constructed, operated, or maintained only with proceeds from the issuance of bonds by a toll project entity other than TxDOT, by methods including:

- the accelerated or complete lump-sum payment of debt service on bonds issued for each toll project in Texas; or

- requiring, as a condition on receipt of state financial assistance, a commitment by a toll project entity to eliminate toll collection on a project for which the financial assistance is provided.

Qualifications for Teaching a Driver Education Course—H.B. 2708
by Representative Coleman—Senate Sponsor: Senator Kolkhorst

Although a person disabled because of mental illness is ineligible to teach a driver education course under current law, a clear definition of the term "disabled because of mental illness" is lacking. The lack of clarity on the meaning of the term is confusing, particularly for a parent or otherwise eligible individual who has a mental illness but who is not rendered incapable of driving by the illness. Given that a person with a mental or physical disability or disease that prevents the person from exercising reasonable and ordinary control over a motor vehicle while operating the vehicle on a highway is ineligible for a license, it seems the restriction against a person disabled by mental illness from teaching the driver education course may be unnecessary. This bill:

Removes the requirement that the person conducting a driver education course not be disabled because of mental illness.

Issuance of a Permit for Oversize or Overweight Vehicles—H.B. 2861
by Representative Raymond—Senate Sponsor: Senator Zaffirini

Differences in weight-limit regulations between Texas and the United Mexican States require some companies operating along the border to divide shipments carried by a single truck into multiple truckloads before those shipments cross international bridges. This is a highly inefficient process that could be avoided by the designation of an overweight truck corridor along parts of the Texas-Mexico border. This bill:

Provides an optional procedure for the issuance of a permit by the City of Laredo for the movement of oversize or overweight vehicles carrying cargo on certain roadways located in Webb County.

Authorizes the Texas Transportation Commission (TTC) to authorize the City of Laredo to issue permits for the movement of oversize or overweight vehicles carrying cargo in Webb County on certain roadways set forth.

Provides that TTC may require the City of Laredo to execute, at its own expense, a surety bond payable to the Texas Department of Transportation (TxDOT) in an amount of not less than $500,000 for costs of maintenance for certain roadways.

Authorizes the City of Laredo to collect a fee for permits issued under the provisions of this bill. Prohibits the maximum amount of the fee from exceeding $200 per trip, except as otherwise provided. Provides that the city may adjust the maximum fee amount on September 1 of each year as necessary to reflect the percentage change during the preceding year in the Consumer Price Index for All Urban Consumers (CPI-U), U.S. City Average, published monthly by the United States Bureau of Labor Statistics or its successor in function.

Provides that fees so collected may be used only for the operation and maintenance of the roadways described by or designated under the provisions of this bill and for administrative costs, which may not exceed 15 percent of the fees collected.

Requires that the distribution of the fees so collected be distributed between the state and the city based on lane mile calculations between on and off system roadways subject to the provisions of this bill. Requires that lane mile calculations be adjusted on a biannual basis.

Requires the City of Laredo to send the state's portion of the fees so collected to the Office of the Comptroller of Public Accounts of the State of Texas for deposit to the credit of the state highway fund. Provides that fees so deposited in the state highway fund are exempt from the application of Section 403.095 (Use of Dedicated Revenue), Government Code.

Sets forth certain requirements for a permit issued under the provisions of this bill.

Requires the City of Laredo to report to the Texas Department of Motor Vehicles all permits issued under the provisions of this bill.

Requires that a permit issued under the provisions of this bill specify the time during which movement authorized by the permit is allowed.

Prohibits movement authorized by a permit issued under the provisions of this bill from exceeding the posted speed limit or 55 miles per hour, whichever is less. Provides that a violation of this provision constitutes a moving violation.

Provides that the Department of Public Safety of the State of Texas has authority to enforce the provisions of this bill.

Requires TxDOT to create a payment management plan of the roadways described by certain provisions of this bill.

Authorizes TTC to adopt rules necessary to implement the provisions of this bill.

Intersections of Railroad Tracks and Public Roadways—H.B. 2946

by Representative Phillips—Senate Sponsor: Senator Nichols

Certain provisions of the Transportation Code relating to railroad crossings have been preempted by federal law in an effort to create industry uniformity across all states. These preempted provisions are no longer enforceable and therefore no longer necessary in statute. This bill:

Repeals Sections 471.003 (Telephone Service to Report Malfunctions of Mechanical Safety Devices at Crossings), 471.006 (Use of Bell and Whistle or Siren at Crossings; Offense), 471.007 (Obstructing Railroad Crossings; Offense), and 471.008 (Franchise to Obstruct Street Crossing), Transportation Code.

Lane Restrictions in Highway Work Zones—H.B. 3225

by Representative Murr—Senate Sponsor: Senator Garcia

Recent statistics relating to accidents involving commercial motor vehicles (CMVs), both on the state highway system in general and in work zones in particular, indicate that the number of accidents involving these vehicles in work zones could be reduced if the larger CMVs were restricted to using one designated lane in a work zone with at least two lanes available. This bill:

Defines "commercial motor vehicle," "construction or maintenance work zone," "department," and "executive director."

Authorizes the executive director of the Texas Department of Transportation (TxDOT) or the executive director's designee to restrict a CMV to a specific lane of traffic in a construction or maintenance work zone for a highway that is part of the state highway system if the executive director or the executive director's designee determines that, based on a traffic study performed by TxDOT to evaluate the effect of the restriction, the restriction is necessary to improve safety.

Requires TxDOT to erect and maintain official traffic control devices necessary to implement and enforce a lane restriction so imposed. Prohibits a lane restriction from being enforced until the appropriate traffic control devices are in place.

Provides that the executive director or the executive director's designee may rescind a lane restriction so imposed at any time that the executive director or the executive director's designee determines that the restriction is no longer necessary to improve safety.

Provides that a lane restriction so imposed expires when the lane that is subject to the restriction is no longer in a construction or maintenance work zone.

Requires TxDOT to remove traffic control devices erected to enforce the lane restriction if the lane restriction is rescinded or expires.

Extension of the Ronald Reagan Memorial Highway—H.B. 3236

by Representative Fletcher—Senate Sponsor: Senator Bettencourt

There is a desire to extend the portion of U.S. Highway 290 in Harris County designated as the Ronald Reagan Memorial Highway, which currently consists of U.S. Highway 290 between the Harris County boundary with Waller County and Beltway 8. This bill:

Designates the part of U.S. Highway 290 in Harris County between the Harris County boundary with Waller County and Interstate Highway 610 as the Ronald Reagan Memorial Highway.

Highway Landscaping Projects—H.B. 3302

by Representative Darby et al.—Senate Sponsor: Senator Kolkhorst

Currently, there are no rules or guidelines for vegetation used for highway beautification projects and there is concern that the Texas Department of Transportation (TxDOT) has been using vegetation not regionally appropriate for highway beautification projects. This bill:

Requires TxDOT to establish guidelines for a beautification project on a state highway right-of-way that requires the use of only regionally appropriate plants.

Texas Juneteenth Specialty License Plates—H.B. 3610

by Representative Collier—Senate Sponsor: Senator West

On June 19, 1865, General Gordon Granger arrived in Galveston, Texas, where he read a general order to those gathered announcing the end of slavery in the United States. The celebration of June 19 (Juneteenth) began the next year and 2015 marks the 150th year since this celebration began. This bill:

Requires the Texas Department of Motor Vehicles (TxDMV) to issue Texas Juneteenth specialty license plates. Requires TxDMV to design the license plates in consultation with Unity Unlimited Inc.

Requires that the remainder of the fee for issuance of the license plates, after deduction of TxDMV administrative costs, be deposited to the credit of the general revenue fund to be used only by the Texas Historical Commission in making grants to Unity Unlimited Inc. for the purpose of promoting the celebration of Juneteenth in this state, provided that verification is submitted to the Texas Historical Commission demonstrating that Unity Unlimited Inc. continues to maintain its nonprofit status. Requires that the grant be distributed to another nonprofit organization for the purpose of promoting the celebration of Juneteenth in this state if Unity Unlimited Inc. does not have nonprofit status at the time of the distribution of a grant.

Don Juan de Onate Trail—H.B. 3868

by Representative Moody—Senate Sponsor: Senator Rodríguez

As the first Euro-American trade route, a portion of a trail running from New Mexico through El Paso and into Mexico City has been designated a national historic trail. However, the portion of the trail extending through El Paso County has not been awarded any historic designation. This bill:

Requires the Texas Historical Commission (commission) to cooperate with the Texas Department of Transportation (TxDOT) to designate, interpret, and market Westside Drive in El Paso County as the Don Juan de Onate Trail and a Texas historic highway.

Authorizes the commission and TxDOT to pursue federal funds dedicated to highway enhancement to supplement revenue available for the purpose of designating, interpreting, and marketing Westside Drive in El Paso County as the Don Juan de Onate Trail and a Texas historic highway.

Provides that a designation of Westside Drive in El Paso County as the Don Juan de Onate Trail and a Texas historic highway may not be construed as a designation under the National Historic Preservation Act (16 U.S.C. Section 470 et seq.).

Provides that TxDOT is not required to design, construct, or erect a marker under the provisions of this bill unless a grant or donation of funds is made to TxDOT to cover the cost of the design, construction, and erection of the marker. Requires that money received to cover the cost of the marker be deposited to the credit of the state highway fund.

Repossession of an Aircraft—H.B. 3901

by Representative Rick Miller—Senate Sponsor: Senator Van Taylor

When an aircraft owner fails to meet the owner's contractual payment obligations, a lender may choose to settle the default status of the loan by repossessing the aircraft. Interested parties note that some aircraft owners become hostile during a repossession. Repossession agents must perform safety checks on the aircraft before they fly it to a storage location. Advocates contend that having a peace officer accompany an agent during a repossession will protect the agent from potentially hostile owners. This bill:

Provides for the issuance of a writ of assistance for the repossession of an aircraft, which authorizes a peace officer to assist and protect the repossession agent in gaining possession of the aircraft.

Infrastructure Projects in Areas Affected by Oil and Gas Production—H.B. 4025 [VETOED]

by Representatives Keffer and Guillen—Senate Sponsor: Senators Uresti and Zaffirini

Recently enacted legislation relating to county energy transportation reinvestment zones is in need of refinement, particularly in matters relating to concerns held by the Attorney General of the State of Texas regarding the use of the word "zone" in certain contexts in statute, criteria for transportation grants to provide relief for road damage due to truck traffic from oil and gas exploration, grants to counties for certain gas and oil wells, and certain reporting requirements. This bill:

Authorizes a county, after determining that an area is affected because of oil and gas exploration and production activities and would benefit from funding under Chapter 256 (Funds and Taxes for County Roads), Transportation Code, by order or resolution of the commissioners court to designate a contiguous geographic area in the jurisdiction of the county to be a county energy transportation reinvestment zone to promote one or more transportation infrastructure projects, as that term is defined by Section 256.101 (Definitions), Transportation Code, located in the county.

Requires that the order or resolution designating an area as a county energy transportation reinvestment zone include a finding, if two or more counties are designating a zone for the same transportation infrastructure project or projects, that the project or projects will benefit the property and residents located in the counties, among other requirements.

Grants the county authority to use money in the tax increment account for certain uses, including:

- to provide matching funds under Section 256.105 (Matching Funds), Transportation Code, and funding for one or more transportation infrastructure projects located in the county;

- to apply for grants under Subchapter C (Transportation Infrastructure Fund), Chapter 256, Transportation Code; and
- to use one percent of any grant distributed to the county under Subchapter C, Chapter 256, Transportation Code, for the administration of a county energy transportation reinvestment zone, not to exceed $100,000.

Authorizes the commissioners court of a county to enter into an agreement with the Texas Department of Transportation (TxDOT) to designate a county energy transportation reinvestment zone under Section 222.1071 (County Energy Transportation Reinvestment Zones), Transportation Code, for a specified transportation infrastructure project involving a state highway located in the county.

Authorizes a county to create an advisory board to advise the county on the establishment, administration, and expenditures of a county energy transportation reinvestment zone.

Sets forth the composition of the advisory board.

Requires that a road condition report made by a county that is operating under a system of administering county roads under Chapter 252 (Systems of County Road Administration), Transportation Code, or a special law include the primary cause of any road, culvert, or bridge degradation if reasonably ascertained along with a brief description of the degradation.

Defines "weight tolerance permit" and "well completion."

Requires that grants distributed during a fiscal year be allocated among counties as set forth.

Requires a county that makes a second or subsequent application for a grant from TxDOT under Subchapter C, Chapter 256, Transportation Code, to certify that all previous grants are being spent in accordance with the plan submitted under Section 256.104 (Grant Application Process), Transportation Code; and to provide an update on and brief description of the status of all uncompleted transposition infrastructure projects, among other requirements.

Provides that TxDOT may use one percent of the amount deposited into the fund in the preceding fiscal year, not to exceed $500,000 in a state fiscal biennium, to administer the transportation infrastructure fund.

K9s4COPS Specialty License Plates—H.B. 4099

by Representative Fletcher—Senate Sponsor: Senator Van Taylor

Only a limited number of law enforcement agencies in Texas have the financial resources to support a K9 unit. K9s4COPs, a foundation formed to address the need for funding the purchase of K9s for these agencies, has placed numerous K9s in multiple agencies and school districts across several states. This bill:

Requires the Texas Department of Motor Vehicles (TxDMV) to issue K9s4COPS specialty license plates. Requires TxDMV to design the license plates in consultation with K9s4COPS.

Requires that the remainder of the fee for issuance of the license plates, after deduction of TxDMV administrative costs, be deposited to the credit of the general revenue fund to be used only by the office of the governor in making grants to nonprofit organizations for the purpose of funding the purchase of police dogs by law enforcement agencies.

Trooper Terry Wayne Miller Memorial Highway—S.B. 45

by Senators Zaffirini and Uresti—House Sponsor: Representative Guillen

Texas Department of Public Safety Trooper Terry Miller was shot and killed on October 12, 1999, while on duty after responding to a 9-1-1 call in Atascosa County. This bill:

Designates the portion of Interstate Highway 37 in Atascosa County between mile marker 102 and mile marker 115 as the Trooper Terry Wayne Miller Memorial Highway.

Requires the Texas Department of Transportation, subject to a grant or donation of funds, to design and construct markers indicating the designation as the Trooper Terry Wayne Miller Memorial Highway and any other appropriate information, and to erect a marker at each end of the highway and at appropriate intermediate sites along the highway.

Information Collected by Certain Transportation Authorities—S.B. 57

by Senator Nelson—House Sponsor: Representative Simmons

Drivers' personal information collected by certain regional tollway authorities is not sufficiently protected from disclosure under state public information law. This bill:

Requires the regional tollway authority to use video recordings, photography, electronic data, transponders, or other tolling methods as an alternative to requiring payment of a toll at the time a vehicle is driven or towed through a toll assessment facility to permit the registered owner of the nonpaying vehicle to pay the toll at a later date or provide toll exemptions. Provides that information so collected, including contact, payment, and other account information and trip data, is confidential and not subject to disclosure under Chapter 552 (Public Information), Government Code.

Defines "transponder" for purposes of Sections 366.179 (Use and Return of Transponders) and Section 370.178 (Use and Return of Transponders), Transportation Code. Provides that transponder account information, including contact and payment information and trip data, is confidential and not subject to disclosure under Chapter 552, Government Code.

Provides that information collected for the purposes of Section 370.177 (Failure or Refusal to Pay Turnpike Project Toll; Offense; Administrative Penalty), Transportation Code, including contact, payment, and other account information and trip data, is confidential and not subject to disclosure under Chapter 552, Government Code.

Provides that a toll project entity may publish a list of the names of registered owners or lessees of nonpaying vehicles who at the time of publication are liable for the payment of past due and unpaid tolls or

administrative fees, notwithstanding the confidentiality of electronic toll collection customer account information, including confidentiality under the provisions of this bill and other certain sections of law.

Provides that personal identifying information collected by a rapid transit authority, a regional tollway authority, and a coordinated county transportation authority is confidential and not subject to disclosure under Chapter 552, Government Code, including certain personal information set forth.

Enforcement of Commercial Vehicle Safety Standards—S.B. 58

by Senators Nelson and Van Taylor—House Sponsor: Representative Faircloth

Commercial motor vehicle traffic has increased along Texas' gulf coast as a result of recent economic activity in the region, and this increased vehicle activity is putting gulf coast municipalities at a heightened risk for motor vehicle accidents. The risk is exacerbated by current statutes that hinder gulf coast municipalities' ability to take effective action in enforcing commercial vehicle safety standards. This bill:

Provides that a police officer of certain municipalities is eligible to apply for certification under Section 644.101 (Certification of Certain Peace Officers), Transportation Code, including a municipality with a population of more than 40,000 and less than 50,000 that is located in a county with a population of more than 285,000 and less than 300,000 that borders the Gulf of Mexico.

Provides that a sheriff or a deputy of a county bordering the United Mexican States or of a county with a population of 700,000 or more is eligible to apply for certification under Section 644.101, Transportation Code.

Game Warden James E. Daughtrey Memorial Highway—S.B. 227

by Senator Zaffirini—House Sponsor: Representative Guillen

The purpose of this legislation is to name a section of Farm-to-Market Road 624 in McMullen County the Game Warden James E. Daughtrey Memorial Highway. Game Warden Daughtrey was killed in an automobile collision while on patrol in McMullen County. This bill:

Designates the portion of Farm-to-Market Road 624 in McMullen County between its intersection with the La Salle-McMullen County line and State Highway 16 as the Game Warden James E. Daughtrey Memorial Highway.

Requires the Texas Department of Transportation, subject to a grant or donation of funds, to design and construct markers indicating the designation as the Game Warden James E. Daughtrey Memorial Highway and any other appropriate information, and to erect a marker at each end of the highway and at appropriate intermediate sites along the highway.

Contribution to Special Olympics With Vehicle Registration—S.B. 272
by Senators Hancock and Zaffirini—House Sponsor: Representative Burkett

Special Olympics Texas is a registered nonprofit whose mission is to provide year-round sports training and athletic competition in a variety of Olympic-type sports for children and adults with intellectual disabilities. Athletes can begin training at age six, competing at age eight, and are eligible to attend statewide events at the age of 12. In Texas, the Special Olympics serves over 51,000 athletes in 22 different sports. This bill:

Provides that a person may contribute any amount to the Special Olympics Texas fund when the person registers or renews the registration of a motor vehicle under Chapter 502 (Registration of Vehicles), Transportation Code.

Requires the Texas Department of Motor Vehicles (TxDMV) to provide, in a conspicuous manner, an opportunity to contribute to the Special Olympics Texas fund in any registration renewal system used by TxDMV.

Authorizes the county assessor-collector to credit all or a portion of the contribution to a person's registration fee, if the person makes a contribution and does not pay the full amount of a registration fee.

Requires the county assessor-collector to send any contribution made to the Office of the Comptroller of Public Accounts of the State of Texas (comptroller's office) for deposit to the Special Olympics Texas fund before the 31st day after the date the contribution is made.

Requires TxDMV to consult with the Department of Aging and Disability Services in performing the duties of TxDMV under the provisions of this bill.

Provides that the Special Olympics Texas fund is created as a trust fund outside the state treasury to be held by the comptroller's office and administered by the Department of Aging and Disability Services as trustee on behalf of Special Olympics Texas. Provides that the fund is composed of money deposited to the credit of the fund under the provisions of this bill. Requires that money in the fund be disbursed at least monthly, without appropriation, to Special Olympics Texas to provide training and athletic competitions for persons with mental illness and intellectual disabilities.

Texas Game Warden Joseph Marshall Evans Memorial Highway—S.B. 288
by Senator Estes—House Sponsor: Representative Springer

Joseph Marshall Evans was born in Wichita Falls, enlisted in the U.S. Navy in 1950, and was honorably discharged in 1954. Evans died after an automobile collision in Young County on May 5, 1965. This bill:

Designates the portion of State Highway 16 in Young County from the Palo Pinto County line northwest to the municipal limits of Graham as the Texas Game Warden Joseph Marshall Evans Memorial Highway.

Requires the Texas Department of Transportation, subject to a grant or donation of funds, to design and construct markers indicating the designation as the Texas Game Warden Joseph Marshall Evans Memorial Highway and any other appropriate information, and to erect a marker at each end of the highway and at appropriate intermediate sites along the highway.

Deputy Jessica Hollis Memorial Highway—S.B. 415

by Senator Watson—House Sponsor: Representative Israel

Travis County Senior Deputy Jessica Hollis tragically lost her life in the line of duty in September 2014 when she was swept away while inspecting a low-water crossing. She left behind a husband, who serves with the Austin Police Department, and a young son. Deputy Hollis began her career with the Austin Police Department and went on to serve the sheriff's office for seven years. Travis County Sheriff Greg Hamilton referred to Deputy Hollis as a "good role model" who "touched lives all across the agency." This bill:

Designates the portion of Farm-to-Market Road 685 in Travis County that runs south from State Highway 130 to East Pecan Street as the Deputy Jessica Hollis Memorial Highway.

Requires the Texas Department of Transportation, subject to a grant or donation of funds, to design and construct markers indicating the designation as the Deputy Jessica Hollis Memorial Highway and any other appropriate information, and to erect a marker at each end of the highway and at appropriate intermediate sites along the highway.

Titling, Registration, and Operation of an Autocycle—S.B. 449

by Senator Bettencourt—House Sponsor: Representative Larry Gonzales

The popularity of autocycles is growing in Texas and manufacturers are developing numerous models of these vehicles. On July 11, 2014, Polaris received approval from the Texas Department of Motor Vehicles (TxDMV) to add a new autocycle model to their existing line of motorcycles. However, on November 14, 2014, TxDMV informed Polaris that they could not define that model as a motorcycle and that the models could therefore not be sold in Texas. Polaris dealers across the state now have such models in their inventory that they are unable to sell because of the reversal of original authorization. This bill:

Defines "autocycle." Provides that for purposes of certain provisions of Texas law, an autocycle is considered to be a motorcycle.

Authorizes the holder of a Class M driver's license (DL) to operate a motorcycle or moped as defined by Section 541.201 (Vehicles), Transportation Code.

Adds autocycles to the list of vehicles a license holder is not prohibited from operating under Section 521.085(a) (relating to the types of vehicles certain classes of license holders are authorized to operate), Transportation Code.

Provides that Section 547.617 (Motorcycle Footrests and Handholds Required), Transportation Code, does not apply to an autocycle or a motorcycle as defined under the provisions of this bill or Section 521.001(a)(6-1) (providing that "motorcycle" includes an enclosed three-wheeled passenger vehicle that meets certain criteria), Transportation Code.

Vehicles for Hire and Passenger Transportation Services—S.B. 530
by Senator Hancock—House Sponsor: Representative Parker

The authority that certain airport governing boards have to administer passenger transport licenses for vehicles transporting passengers to and from an airport is limited to the licensing only of taxicab services. This bill:

Authorizes a joint board for which the constituent agencies are populous home-rule municipalities to license vehicles for hire, including taxicabs and passenger transportation service providing services to or from the airport for compensation and to impose fees for issuing the licenses.

Annual Permits to Move Certain Equipment—S.B. 562
by Senator Nichols—House Sponsor: Representative Phillips

Under current law, the Texas Department of Motor Vehicles (TxDMV) can only issue 90-day permits for vehicles that haul electrical poles and other equipment with a maximum length of 110 feet and a maximum height of 14 feet. Unfortunately, companies that haul these items year-round face unnecessary difficulties, as they are required to endure the hassle of continually going to their local TxDMV office to renew their permit every 90 days. This bill:

Authorizes TxDMV to issue an annual permit that allows a person to operate over a state highway or road a vehicle or combination of vehicles that exceeds the length and height limits provided by law, except that the maximum length is prohibited from exceeding 110 feet and the maximum height is prohibited from exceeding 14 feet.

Adds a fee of $960 for a permit issued under Section 623.071(c-1) (relating to the issuance of an annual permit for certain vehicles), Transportation Code, to the list of permit fees required to accompany an application for a permit under Subchapter D (Heavy Equipment), Chapter 623, Transportation Code. Provides that $480 of the permit fee is allocated to the General Revenue Fund.

Use of Fireworks at Certain Rest Areas—S.B. 570
by Senator Estes—House Sponsor: Representative Sheffield

Currently, there is no provision in law for the posting of signage at rest stops where fireworks are prohibited. This bill:

Defines "rest area" for the purposes of Section 203.112 (Prohibition or Restriction of Fireworks at Rest Area), Transportation Code.

Requires the Texas Transportation Commission (TTC) to prohibit or restrict by order the use of fireworks at a state highway rest area in the unincorporated area of a county if the commissioners court of the county petitions TTC to adopt the order and the county pays the Texas Department of Transportation (TxDOT) for the costs of designing, constructing, and erecting signs at the rest area giving notice of the order.

Requires TxDOT to erect signs at the rest area giving notice of the order after the order is adopted by TTC. Requires TxDOT to replace a sign if it is damaged or destroyed if the county submits to TxDOT a written request for replacement and pays TxDOT for the costs of constructing and replacing the sign.

Provides that a person who knowingly or intentionally violates a prohibition or restriction established by an order adopted under Section 203.112, Transportation Code, commits a Class C misdemeanor.

Deputy Sergeant Lance McLean Memorial Highway—S.B. 671
by Senator Birdwell—House Sponsor: Representative Keffer

Sergeant McLean was the first officer to arrive on the scene when a subject who was awaiting trial for sexually assaulting a juvenile female showed up at the girl's home. The man opened fire on Sergeant McLean, striking him in the head. Sergeant McLean was flown to a local hospital where he succumbed to his injuries the following morning, June 29, 2013.

Sergeant McLean served with the Hood County Sheriff's Office for five years and with the Hamilton County Sheriff's Office for four years. He is survived by his wife, two special-needs children, mother, brother, and grandfather. This bill:

Designates the portion of Loop 567 in Granbury between its intersection with U.S. Highway 377 and its intersection with Business Highway 377 as the Deputy Sergeant Lance McLean Memorial Highway.

Requires the Texas Department of Transportation, subject to a grant or donation of funds, to design and construct markers indicating the designation as the Deputy Sergeant Lance McLean Memorial Highway and any other appropriate information, and to erect a marker at each end of the highway and at appropriate intermediate sites along the highway.

Texas Medical Center Specialty License Plates—S.B. 742
by Senator Ellis—House Sponsor: Representative Sarah Davis

Texas law allows for the creation and sale of specialty license plates to support institutions and causes important to our citizens. Since opening in 1945, the Texas Medical Center (TMC) has been pioneering patient care, research, education, and prevention. This bill:

Requires TxDMV to issue TMC specialty license plates. Requires TxDMV to design the license plates in consultation with TMC.

Requires that the remainder of the fee for issuance of the license plates, after deduction of TxDMV administrative costs, be deposited to the credit of an account created by the Officer of the Comptroller of Public Accounts of the State of Texas (comptroller's office) in the manner provided by Section 504.6012(b) (relating to redesignating the deposit of certain fees to a trust fund account created by the comptroller), Transportation Code. Provides that money deposited to that account be used only by the comptroller's office to provide grants to benefit TMC and member institutions of TMC.

Motorcycle Education Fund—S.B. 754

by Senator Watson—House Sponsor: Representative Zedler

The Transportation Code requires that $5 from certain motorcycle license application and renewal fees be deposited in a dedicated general revenue account known as the Motorcycle Safety Account. However, the legislature has not appropriated funds from the account since 2005. As a result, spending on the Motorcycle Safety Program has decreased by 59 percent since 2004.

This trend is particularly troubling because it corresponds to an increase in Texas motorcycle fatalities. For example, the Texas Department of Transportation (TxDOT) reports that 495 motorcycle fatalities occurred in Texas in 2013, which represents a five percent increase from 2012. This bill:

Provides that money deposited to the credit of the motorcycle education fund may be used only to defray the cost of administering the motorcycle operator training and safety program and conducting the motorcyclist safety and share the road campaign described by Section 201.621 (Motorcyclist Safety and Share the Road Campaign), Transportation Code.

Requirements for Certain Farm Vehicles Operating on a Highway—S.B. 971

by Senator Perry—House Sponsor: Representative Kacal

Certain farm vehicles, such as manure spreaders and livestock feed trucks, are presently not exempted from the width requirements under current law imposed by Section 621.201 (Maximum Width), Transportation Code. This bill:

Defines "implement of husbandry."

Defines "farm tractor" and "implement of husbandry" for the purposes of Section 622.901 (Width Exceptions), Transportation Code.

Vehicles Transporting Certain Timber Products or Forestry Equipment—S.B. 1171

by Senator Nichols—House Sponsor: Representative Paddie

Recently enacted legislation providing for the issuance of a permit for certain oversize or overweight vehicles transporting timber omitted the authority for vehicles issued the permit to operate on certain weight-restricted county roads and bridges. Additionally, the parties contend that the fee for the permit is too high, which limits the amount of permits that are issued. This bill:

Provides that a vehicle operating under a permit issued under certain sections of the Transportation Code, including Section 623.321 (Definition), Transportation Code, as added by Chapter 1135 (H.B. 2741), Acts of the 83rd Legislature, Regular Session, 2013, may operate under the conditions authorized by the permit over a road for which the executive director of the Texas Department of Transportation has set a maximum weight under Section 621.102 (Authority to Set Maximum Weights), Transposition Code.

Provides that a vehicle operating under a permit issued under certain sections of the Transportation Code, including 623.321, Transportation Code, as added by Chapter 1135 (H.B. 2741), Acts of the 83rd

Legislature, Regular Session, 2013, may operate under the conditions authorized by the permit over a road for which the commissioners court has set a maximum weight under Section 621.301 (County's Authority to Set Maximum Weights), Transportation Code.

Provides that the width limitation provided by Section 621.201 (Maximum Width), Transportation Code, does not apply to a vehicle on which a farm tractor, implement of husbandry, or equipment used in the harvesting and production of timber, other than a tractor, implement, or equipment being transported from one dealer to another is being moved by the owner of the tractor, implement, or equipment or by an agent or employee of the owner: to deliver the tractor, implement, or equipment to a new owner; to transport the tractor, implement, or equipment to or from a mechanic for maintenance or repair; or in the course of an agricultural or forestry operation.

Requires a person, to qualify for a permit under Subchapter Q (Regional Mobility Authority Permits), Chapter 623, Transportation Code, for a vehicle or combination of vehicles to pay a fee of $900, among other requirements.

Exemption From Length Limitations for Certain Vehicles—S.B. 1338

by Senator Perry—House Sponsor: Representative Springer

Many Texas farmers transport their harvesting equipment long distances each year, including across state lines, to get to the fields they plan to harvest. Certain vehicle length limitations place a burden on some farmers by requiring them to leave certain machinery behind during their trips. The practice of leaving expensive equipment behind and then traveling back, often hundreds of miles, to recover it places an undue burden on farmers and can result in damage to or theft of valuable equipment. This bill:

Provides that the length limitations provided by Sections 621.203 (Maximum Length of Motor Vehicle) through 621.205, Transportation Code, do not apply to:

- a vehicle or combination of vehicles used to transport a harvest machine that is used in farm custom harvesting operations on a farm if the overall length of the vehicle or combination is not in excess of certain stated lengths; or
- a truck-tractor operator in combination with a semitrailer and trailer or semitrailer and semitrailer if the combination is used to transport a harvest machine that is used in farm custom harvesting operations on a farm; the overall length of the combination, excluding the length of the truck-tractor, is not longer than 81.5 feet; and the combination is traveling on a highway that is not part of the national system of interstate and defense highways or the federal aid primary highway system and is located in a county with a population of less than 300,000.

Disputed Payment of a Vehicle Registration Fee—S.B. 1451

by Senator Ellis—House Sponsor: Representative Raney

Under Section 502.193 (Payment by Check Drawn Against Insufficient Funds), Transportation Code, a county assessor-collector who receives a bounced check or failed draft of payment for a registration fee has authorization to notify a sheriff, constable, or highway patrol officer if they cannot locate the individual who made the failed payment. After receiving a formal complaint from the county assessor-collector, the

sheriff, constable, or highway patrol officer is required to find the person who made the failed payment and demand immediate redemption of the payment. If the payment is still not received, the law enforcement officer is authorized to remove the license plates and registration insignia from the vehicle and return the license plates and registration insignia to the county assessor-collector. However, Section 502.193, Transportation Code, does not apply to disputed credit card payments. This bill:

Requires a county assessor-collector who receives from any person a payment by credit card or debit card for a registration fee for a registration year that has not ended that is returned unpaid because the payment by the credit card or debit card has been disputed by the credit card or debit card company to certify the fact to the appropriate law enforcement officer in the county after attempts to contact the person fail to result in the collection of payment. Requires that the certification be made before the 30th day after the date the assessor-collector is made aware that the credit card or debit card payment has been disputed and that the certification: be under the assessor-collector's official seal, include the name and address of the person who authorized the credit card or debit card payment, include the license plate number and make of the vehicle, be accompanied by evidence from the credit card or debit card company that the company has determined that it will not make payment on the disputed credit card or debit card charge, and be accompanied by documentation of any attempt to contact the person to collect payment.

Requires a sheriff, constable, or highway patrol officer, on receiving such a complaint from the county assessor-collector, to find the person who authorized the credit card or debit card payment, if the person is in the county, and demand immediate redemption of payment from the person. Requires the sheriff, constable, or highway patrol officer, if the person fails or refuses to redeem the payment, to seize and remove the license plates and registration insignia from the vehicle and return the license plates and registration insignia to the assessor-collector.

Service Charge on Certain Electronic Toll Payments—S.B. 1467

by Senator Watson—House Sponsor: Representative Larry Gonzales

Current law allows the Texas Department of Transportation (TxDOT) to enter into agreements with private entities to operate customer service centers and collect tolls for toll projects that are part of the state highway system. Pursuant to this authorization, TxDOT currently contracts with a private vendor to collect tolls for highways throughout Texas using an electronic transponder known as a "TxTag." TxTag customers can use their tag on toll roads throughout the state. However, there is only one TxTag customer service center where such customers can pay their bill or speak to a representative in person. This center is currently located in Austin. It would be more convenient for TxTag customers who prefer to make in-person payments if other vendors, such as grocery and convenience stores, would contract with TxDOT to assist with TxTag customer service and toll collection. This bill:

Provides that a person that enters into an agreement with TxDOT to provide services for a customer to pay an amount on an electronic toll collection customer account at a location other than a TxDOT office may collect from the customer a service charge in addition to the amount paid on the account.

Requires the Texas Transportation Commission to set by rule the maximum amount a person may collect as a service charge, which may not exceed $3 for a payment transaction.

Rates for Personal Automobile Insurance—S.B. 1554

by Senator Eltife—House Sponsor: Representative Meyer

Under current law, a file-and-use system allows insurers to charge new rates without prior approval from the commissioner of insurance. Insurers are required to submit their rates and supporting statistical information to the Texas Department of Insurance for review of their statutory compliance. This bill:

Repeals the requirement that the commissioner of insurance compute and publish a standard rate index for personal automobile insurance issued by a county mutual insurance company.

Includes a county mutual insurance company in statutory provisions that require a county mutual insurance company to be a member of the Texas Automobile Insurance Plan Association in order to write automobile liability insurance.

Reducing Wait Times at DPS Offices—S.B. 1756

by Senator Van Taylor—House Sponsor: Representative Phillips

Demand for certain identification certificates and driver's licenses has resulted in long wait times and backlogs in Texas Department of Public Safety (DPS) offices. A pilot program established in 2013 allowed DPS to enter into agreements with certain counties to process and issue identification documents and their associated fees, which has resulted in a lessening in demand on DPS offices. S.B. 1756 seeks to expand the program statewide. Additionally, clarification regarding the operation of certain vehicles and certain vehicle definitions is necessary. This bill:

Redefines "motorcycle."

Authorizes the Department of Public Safety of the State of Texas (DPS) and the Texas Department of Motor Vehicles (TxDMV) to define by rule types of vehicle that are "motorcycles" for certain purposes. Provides that these grants of authority to DPS and TxDMV apply only to certain vehicles.

Authorizes DPS to establish a program for the provision of renewal and duplicate driver's license, election identification certificate, and personal identification certificate services in counties that enter into an agreement with DPS under the provisions of this bill.

Authorizes DPS, under a program so established, to enter into a certain agreement with the commissioners court of a county relating to the provision of original, renewal, and duplicate driver's license, election identification certificate, and personal identification certificate services.

Provides that Section 521.085(a) (relating to the types of vehicles a license holder may operate), Transportation Code, does not prohibit a license holder from operating a lesser type of vehicle that is a motorcycle described by the provisions of this bill or a type of motorcycle defined by DPS.

Prohibits a person from operating a motorcycle described in this bill on a public highway for which the posted speed limit is more than 45 miles per hour, except that the operator may cross an intersection with a public highway that has a posted speed limit of more than 45 miles per hour.

Exemption of Vehicles From Towing Regulations—S.B. 1820
by Senator Van Taylor—House Sponsor: Representative Kuempel

The Texas Towing and Booting Act (act) does not clarify whether a motor vehicle owned or operated by a franchised automobile dealer transporting a new car to the purchaser is a tow truck. Nor does it clarify whether a truck that transports motor vehicles for cargo in a prearranged shipping transaction, or for use in mining, drilling, or construction operations, is a tow truck. While the Texas Department of Licensing and Regulation (TDLR), which is responsible for implementing the act, does not interpret that these vehicles are tow trucks according to the act, some law enforcement agencies have cited these vehicles for failing to register with TDLR as tow trucks. This bill:

Redefines "tow truck" in the Occupations Code to provide that the term does not include a truck-trailer combination that is owned or operated by a dealer licensed under Chapter 2301 (Sale or Lease of Motor Vehicles), Occupations Code, and used to transport new vehicles during the normal course of a documented transaction in which the dealer is a party and ownership or the right of possession of the transported vehicle is conveyed or transferred; or a car hauler that is used solely to transport, other than in a consent or nonconsent tow, motor vehicles as cargo in the course of a prearranged shipping transaction or for use in mining, drilling, or construction operations.

Certain Lighting Equipment on Motorcycles—S.B. 1918
by Senator Watson—House Sponsor: Representative Pickett

Each year, hundreds of motorcyclists are killed on Texas roadways. According to the Insurance Institute for Highway Safety, about one-quarter of the motorcycle fatalities that occurred across the United States in 2013 occurred between the hours of 9 p.m. and 6 a.m., when it is dark and motorists must rely on vehicular lighting to see other vehicles. Furthermore, a study conducted by the Texas A&M Transportation Institute found that, in half of the crashes involving a motorcycle and another vehicle, the other driver reported never seeing the motorcycle.

To address this safety issue, some motorcyclists currently attach light emitting diodes (LEDs) on the underbody of their motorcycle. These LEDs increase the ability of motorists to spot a motorcyclist at night. However, current law restricts the lighting that may be emitted from a vehicle, and it is unclear whether these LEDs are permissible. This bill:

Defines "LED ground effect lighting equipment."

Authorizes a person to operate a motorcycle equipped with LED ground effect lighting that emits a non-flashing amber or white light.

Specialty License Plates for Persons Who are Deaf or Hard of Hearing—S.B. 1987
by Senators Menéndez and Zaffirini—House Sponsor: Representative Minjarez

When police pull over a car for a traffic violation, typically they are behind the car. People who are deaf or hard of hearing may be able to see the flashing lights, but not be able to hear the sirens. Furthermore, if the police officer using the public address system to give orders to the driver before approaching the window of

the vehicle, those who are deaf and hard of hearing may not hear these orders. This may lead the officer to believe that the driver is being obstinate or adversarial when there is simply a barrier to communication.

Currently, drivers who are deaf and hard of hearing can receive a Driver Identification Visor Card from the Texas Department of Assistive and Rehabilitative Services. This card is placed on the visor of the car and identifies a person who is deaf or hard of hearing for assistance in traffic stops. However, this card is only effective when the officer is at the window of the vehicle. Deaf and hearing impaired drivers can also have a certain code placed on their driver's license. However, the current options available to deaf or hard of hearing individuals require a police officer to communicate with the driver before being made aware of the fact that the driver is deaf or hearing impaired. This bill:

Defines "deaf" and "hard of hearing."

Requires the Texas Department of Motor Vehicles to design and issue specialty license plates for a motor vehicle that is regularly operated by a person who is deaf or hard of hearing. Requires that a license plate so issued include an emblem indicating that the person operating the vehicle is deaf or hard of hearing.

Requires that the initial application for these specialty license plates be accompanied by a written statement from a physician who is licensed to practice medicine in this state, in a state adjacent to this state, or who is authorized by applicable law to practice medicine in a hospital or other health facility of the Department of Veterans Affairs. Requires that the statement certify that the person making the application is death or hard of hearing.

Provides that the fee for such a license plate is $8.

Requires the Texas Commission on Law Enforcement (commission) to establish a statewide comprehensive education and training program on procedures for interacting with drivers who are deaf or hard of hearing as defined by Texas law, including identifying specialty license plates issued to individuals who are deaf or hard of hearing. Requires an officer to complete a program so established not later than the second anniversary of the date the officer is licensed under Chapter 1701 (Law Enforcement Officers), Occupations Code, or the date the officer applies for an intermediate proficiency certificate, whichever date is earlier.

Requires the commission to establish the deaf or hard of hearing driver training program not later than March 1, 2016.

Sergeant Michael Naylor and Congressman Ralph Hall Highways—S.B. 2041
by Senators Seliger and Hall—House Sponsor: Representatives Craddick et al.

Sergeant Michael Naylor of Midland was killed in the line of duty as he and fellow deputies were serving a routine warrant in October 2014. Congressman Ralph Hall is a former United States Representative from Texas's 4th congressional district. This bill:

Designates the portion of State Highway 191 in Midland County as the Sergeant Michael Naylor Memorial Highway and the portion of Interstate Highway 30 in Rockwall County as the Congressman Ralph Hall Highway.

Requires the Texas Department of Transportation (TxDOT), subject to a grant or donation of funds, to design and construct markers indicating the designations of the Sergeant Michael Naylor Memorial Highway and the Congressman Ralph Hall Highway, in addition to any other appropriate information. Requires TxDOT to erect markers at each end of the highways and at appropriate intermediate sites along the highways.

Captain Jesse Billingsley Memorial Loop—S.B. 2055

by Senator Watson—House Sponsor: Representative Cyrier

Captain Jesse Billingsley came to Texas in 1834. Known as a fearless fighter and friend of David Crocket, Billingsley was elected Captain of the Mina Volunteers, Company C, of the Republic of Texas Army. Captain Billingsley is described as "The Old Rock" of San Jacinto and is credited with being the first to yell, "Remember the Alamo! Remember Goliad!" in an emotional speech to his men the night before the battle. At the Battle of San Jacinto, Billingsley and his Rangers were the first into Santa Anna's camp and suffered the most casualties of all the frontiersmen. Despite having lost the use of his left hand from a gunshot wound during the fight at San Jacinto, Billingsley continued to participate in almost every major skirmish on the Texas frontier and was awarded a league of land for his valor under fire. Captain Billingsley went on to serve as a representative of Bastrop County in the 1st and 2nd Congresses of the Republic of Texas and as a senator in the 5th and 8th Legislatures of the State of Texas. Captain Billingsley sacrificed his public career by taking a stand against secession from the Union and by becoming an advocate for the literacy of slaves. This bill:

Designates State Highway Loop 223 in McDade, Bastrop County, as the Captain Jesse Billingsley Memorial Loop.

Requires the Texas Department of Transportation, subject to a grant or donation of funds, to design and construct markers indicating the designation as Captain Jesse Billingsley Memorial Loop and any other appropriate information, and to erect a marker at each end of the loop and at appropriate intermediate sites along the loop.

Dedicating Certain Tax Revenue to State Highway Fund—S.J.R. 5

by Senator Nichols et al.—House Sponsor: Representative Pickett et al.

As the state's population continues to grow, Texas will add millions of new automobiles to the roads. The current funding system used by the State of Texas is inadequate and cannot address the state's growing infrastructure demands. The Texas Department of Transportation (TxDOT) needs a revenue stream that allows for future planning to address the state's growing needs. This resolution proposes a constitutional amendment to:

Require the Office of the Comptroller of Public Accounts of the State of Texas (comptroller's office) to deposit to the credit of the state highway fund, in each state fiscal year, $2.5 billion of the net revenue derived from the imposition of the state sales and use tax on the sale, storage, use, or other consumption in this state of certain taxable items that exceeds the first $28 billion of that revenue coming into the treasury in that state fiscal year, subject to certain provisions of this bill. Provide that this requirement takes effect September 1, 2017.

Require the comptroller's office to deposit to the credit of the state highway fund, in each state fiscal year, an amount equal to 35 percent of the net revenue derived from the tax authorized by Chapter 152 (Taxes on Sale, Rental, and Use of Motor Vehicles), Tax Code, or its successor, and imposed on the sale, use, or rental of a motor vehicle that exceeds the first $5 billion of that revenue coming into the treasury in that state fiscal year, subject to certain provisions of this bill. Provide that this requirement takes effect September 1, 2019.

Provide that money deposited to the credit of the state highway fund under the provisions of this bill may be appropriated only to construct, maintain, or acquire rights-of-way for public roadways other than toll roads or to repay the principal of and interest on certain general obligation bonds.

Authorize the legislature, by adoption of a resolution approved by a record vote of two-thirds of the members of each house of the legislature, to direct the comptroller's office to reduce the amount of money deposited to the credit of the state highway fund under the provisions of this bill. Require that the comptroller's office be directed to make that reduction only in the state fiscal year in which the resolution is adopted, or in either of the following two state fiscal years, and by an amount or percentage that does not result in a reduction of more than 50 percent of the amount that would otherwise be deposited to the fund in the affected state fiscal year under certain provisions of this bill.

Provide that the duty of the comptroller's office to make a deposit expires August 31, 2032, for a deposit to the state highway fund derived from the imposition of the state sales and use tax on the sale, storage, use, or other consumption in this state of certain taxable items as provided by the provisions of this bill, and August 31, 2029, for a deposit to the state highway fund derived from the tax authorized by Chapter 152, Tax Code, or its successor and imposed on the sale, use, or rental of a motor vehicle as provided by the provisions of this bill.

Authorize the legislature by adoption of a resolution approved by a record vote of a majority of the members of each house of the legislature to extend, in 10-year increments, the duty of the comptroller's office to make deposits as provided by the provisions of this bill.

Provide that on the dates certain provisions of this bill are to take effect, the legislature is prohibited from appropriating any revenue to which those certain provisions apply that is deposited to the credit of the state highway fund for any purpose other than a purpose described under those provisions.

Rates of and Certificates of Convenience and Necessity for Certain Utilities—H.B. 1535
by Representative Frullo et al.—Senate Sponsor: Senator Fraser

Investor-owned utilities outside the Electric Reliability Council of Texas (ERCOT) are obligated to invest to meet the utility demands of industrial and population growth and to replace aging infrastructure. These non-ERCOT utilities operate under an regulatory model that produces "regulatory lag," an extended time period between the date that infrastructure is placed in service and the date investors may start recovering their investment. Bond rating agencies cite regulatory lag when they assign lower bond ratings to non-ERCOT utilities than they assign to ERCOT utilities and utilities in neighboring states. This bill:

Applies only to an electric utility that operates solely outside of the Electric Reliability Council of Texas (ERCOT).

Requires the regulatory authority of an electric utility, in establishing the base rates of the electric utility, to determine the utility's revenue requirement based on certain information set forth.

Requires an electric utility that includes estimated information in the initial filing of a proceeding to supplement the filing with actual information not later than the 45th day after the date the initial filing was made. Requires the regulatory authority to extend the deadline for concluding the rate proceeding for a period of time equal to the period between the date the initial filing of the proceeding was made and the date of the supplemental filing, except that the extension period may not exceed 45 days.

Provides that an electric utility that makes an election under Section 36.112(b) (relating to establishing base rates of the electric utility), Utilities Code, is not precluded from proposing known and measurable adjustments to the utility's historical rate information as elsewhere permitted.

Requires the regulatory authority, without limiting the availability of known and measurable adjustments described by Section 36.112(e) (relating to an electric utility that makes an election under Section 36.112(b)), Utilities Code, to allow an affected electric utility to make a known and measurable adjustment to include in the utility's rates the prudent capital investment, a reasonable return on such capital investment, depreciation expense, reasonable and necessary operating expenses, and all attendant impacts, including any offsetting revenue, as determined by the regulatory authority, associated with a newly constructed or acquired natural gas-fired generation facility. Provides that the regulatory authority is required to allow the adjustment only if the facility is in service before the effective date of new rates. Authorizes the adjustment to be made regardless of whether the investment is less than 10 percent of the utility's rate base before the date of the adjustment.

Requires that the final rate set in a proceeding, whether a rate increase or rate decrease, or if requested by an electric utility in the utility's statement of intent initiating a rate proceeding under Subchapter C (General Procedures for Rate Changes Proposed by Utility), notwithstanding Section 36.109(a) (relating to the regulatory authority establishing temporary rates), be made effective for consumption on and after the 155th day after the date the rate-filing package is filed.

Requires the regulatory authority to:

- require the electric utility to refund to customers money collected in excess of the rate finally ordered on or after the 155th day after the date the rate-filing package is filed; or

- authorize the electric utility to surcharge bills to recover the amount by which the money collected on or after the 155th day after the date the rate-filing package is filed is less than the money that would have been collected under the rate finally ordered.

Authorizes the regulatory authority to require refunds or surcharges of amounts determined as above over a period not to exceed 18 months, along with appropriate carrying costs. Requires the regulatory authority to make any adjustments necessary to prevent over-recovery of amounts reflected in riders in effect for the electric utility during the pendency of the rate proceeding.

Prohibits a utility from assessing more than one surcharge authorized by Section 36.211(c)(2) (relating to authorization of the electric utility to surcharge bills to recover certain amounts) at the same time.

Requires the Public Utility Commission (PUC) to require an electric utility to make the filings with regulatory authorities required by Subchapter B (Rate Determination), Chapter 33, and to file a rate-filing package under Subchapter D (Provisions Applicable to Appeal by Ratepayers Outside Municipality) with PUC to initiate a comprehensive base rate proceeding before all of the utility's regulatory authorities:

- on or before the fourth anniversary of the date of the final order in the electric utility's most recent comprehensive base rate proceeding; or
- if, before the anniversary aforementioned, the electric utility earns materially more than the utility's authorized rate of return on investment, on a weather-normalized basis, in the utility's two most recent consecutive PUC earnings monitoring reports.

Requires the electric utility to make the filings described above not later than the 120th day after the date PUC notifies the utility of that requirement. Authorizes the 120-day period to be extended in the manner provided by Section 36.153(b) (relating to the regulatory authority granting an extension).

Authorizes PUC to extend the four-year time period described above and set a new deadline if PUC determines that a comprehensive base rate case would not result in materially different rates. Requires PUC to give interested parties a reasonable opportunity to present materials and argument before making a determination under this subsection.

Requires PUC to adopt rules implementing the provisions of this act, including appropriate notice and scheduling requirements.

Authorizes an electric utility to file with PUC a request that PUC: grant a certificate for an electric generating facility; make a public interest determination for the purchase of an existing electric generating facility under Section 14.101 (Report of Certain Transactions; Commission Consideration); or both grant a certificate and make a determination.

Requires PUC, notwithstanding any other law, in a proceeding involving the purchase of an existing electric generating facility, to issue a final order on a certificate for the facility or making a determination on the facility required by Section 14.101, as applicable, not later than the 181st day after the date a request for the certificate or determination is filed with the commission under the authorization described above. Requires that the utility's recoverable invested capital included in rates, for generating facilities granted a certificate under this subsection, notwithstanding Section 36.053 (Components of Invested Capital), be determined by PUC.

Requires PUC, notwithstanding any other law, in a proceeding involving a newly constructed generating facility, to issue a final order on a certificate for the facility not later than the 366th day after the date a request for the certificate is filed with PUC under the authorization described above.

Provides that the changes in law made by this Act are not intended to affect the exercise of municipal jurisdiction under Chapter 33 (Jurisdiction and Powers of Municipality), Utilities Code.

Length of a Billing Month for a Propane Gas Customer—H.B. 2558

by Representative Isaac—Senate Sponsor: Senator Campbell

Propane providers are under minimal billing cycle restrictions. Interested parties recommend amending current law relating to the length of a billing month for a propane gas customer in order to ensure consistency and accountability in billing procedures. This bill:

Adds Section 141.0031 (Days in Billing Month) to Chapter 141 (Electric Cooperatives and Competition), Utilities Code.

Provides that a customer's bill may not include charges for a period of more than:

- 32 days for a billing month in which the majority of days in the billing month occur in December, January, or February; or
- 31 days for a billing month in which the majority of days in the billing month occur in any other month.

Provides that the billing month, if an extreme condition occurs or continues on or after the 29th day of a billing month described above, may be extended by the number of days the extreme condition occurs. Provides that extreme conditions include:

- iced, flooded, closed, or otherwise impassable roads in the county in which the customer resides;
- a natural disaster, including an earthquake, a hurricane, a tornado, or winds of more than 60 miles per hour; and
- civil disruption, including war, riot, or labor disruption or stoppage.

Authority to Curtail Groundwater Production From Certain Wells—H.B. 2647 [VETOED]

by Representative Ashby et al.—Senate Sponsor: Senator Estes

Many power plants, as well as the mines that fuel them, are located in areas where groundwater is the chief source of water. These power plants and mines use water for essential functions, such as fire protection, steam processing, dewatering, and cooling. Under current law, groundwater conservation districts (GCDs), which have the authority to regulate groundwater extraction, may curtail pumping during droughts. Given that power plants and associated mines located within a GCD are subject to any such curtailment, a GCD could inhibit the power generation capabilities of facilities in its district and consequently jeopardize the stability of the state's power grid. Interested parties recommend preventing GCDs from curtailing groundwater production by power plants and mines that fuel power plants to a rate less than that used in 2014, in order to ensure the continuous availability of electricity in Texas and the stability of the grid. This bill:

Adds Section 36.1175 (Power Generation Exemption) to Subchapter D (Powers and Duties), Chapter 36 (Groundwater Conservation Districts), Water Code.

Applies to a well that produces groundwater used to support the operation of a power generation facility or a mine that provides fuel to a power generation facility, including production for boiler makeup water, fire suppression, dewatering, potable water, and depressurization.

Entitles an owner or operator of such a well to petition the relevant GCD for a delay in the effective date of any action that would reduce or curtail production from a well or limit the groundwater production rate of a well to an amount that is less than:

- the maximum annual amount of withdrawal as of September 1, 2014, authorized by the permit, regardless of whether the permit was issued by the GCD or the Railroad Commission of Texas; or
- the maximum annual historical amount of withdrawal recorded before September 1, 2014, if the well was in operation on that date and no permit from any entity was required for the operation of the well.

Authorizes the owner or operator of the well to petition for the aforementioned delay. Requires that the petition include evidence that the owner or operator is engaging in good-faith efforts to identify practicable, readily available alternative sources of water with comparable quality. Requires the GCD, after receipt of the petition, to hold a public hearing and to make a final determination thereafter as to whether the proposed reduction or curtailment in groundwater production would threaten public health or safety or the reliability of the electric grid. Prohibits the proposed reduction or curtailment for which the owner or operator is seeking a delay from taking effect until the GCD has made a final determination.

Requires the GCD, if the district determines that a proposed reduction or curtailment in groundwater production would threaten public health or safety or the reliability of the electric grid, to delay the effective date of the reduction or curtailment to a date not earlier than seven years after the date that the final determination is made.

Authorizes an owner or operator of such a well, if the owner or operator receives a delay, to petition the GCD at any time before the delayed effective date of the proposed reduction or curtailment to delay the effective date a second time for an additional three years. Requires the GCD, after receiving the petition, to hold a public hearing and make a final determination to approve the additional three-year delay if the district determines that:

- the owner or operator has engaged in good faith efforts to identify and begin implementing strategies to comply with the proposed reduction or curtailment; and
- implementation of the proposed reduction or curtailment in groundwater production on the earlier date would threaten public health or safety or the reliability of the electric grid.

Requires the GCD, in making a final determination, to request, obtain, and give great weight to an opinion issued by the Public Utility Commission of Texas.

Setting of Annual Interest Rates for Utility Deposits—S.B. 734

by Senator Fraser—House Sponsor: Representative Cook

The Utilities Code currently requires that the Public Utility Commission of Texas (PUC) meet on December 1, or the next available work day if December 1 falls on a weekend, to set the annual interest rate on electric utility deposits for the next calendar year. Each retail electric provider (REP) collects a deposit from customers when they sign up for service. That deposit is held by the REP and they are required to pay it back with interest when the consumer cancels service. This is the annual interest rate on deposits that are set by PUC each December 1. In its recently adopted Scope of Competition in Electric Markets Report, PUC recommended that the legislature allow the agency to meet on any date in the fourth quarter before December 1. This would give the agency logistical flexibility regarding the posting and scheduling of open meetings. The bill:

Requires PUC, on or before each December 1, rather than each December 1 or the next regular workday if December 1 is a Saturday, Sunday, or legal holiday, to set the annual interest rate for the next calendar year on utility deposits governed at the average rate paid over the previous 12-month period on United States treasury bills with a 26-week maturity.

Study on Electric Utility Rates—S.B. 774

by Senator Fraser—House Sponsor: Representative Senfronia Thompson

In 2011, the legislature established the periodic rate adjustment (PRA) as a mechanism for electric utilities to expedite cost recovery for investments in distribution infrastructure. At that time, Texas had seen a surge in consumer demand, and utilities were struggling to retrofit existing infrastructure to satisfy that demand. Consequently, electric utilities requested an exception to established rate case procedures, which normally occur every five years and require approximately 18 months of litigation before the Public Utility Commission (PUC). The exception was granted in the form of the PRA, which allows electric utilities to recover certain distribution costs between rate cases. Texas is still experiencing tremendous growth in transmission and distribution demand, and continued expedited rate adjustment is still a relevant concern. This bill:

Requires that the study and report analyzing any periodic rate adjustment by PUC be made available for the legislature's review by January 31, 2019, rather than January 31, 2017, so that the legislature may properly be informed regarding the need to continue PUC's authority to allow periodic rate adjustments. Requires that the report contain but not be limited to certain analyses and cost savings, as set forth.

Requires PUC to conduct a study and prepare a report analyzing alternative ratemaking mechanisms adopted by other states and to make recommendations regarding appropriate reforms to the ratemaking process in this state. Requires PUC to include in the report an analysis that demonstrates how PUC's recommended reforms would improve the efficiency and effectiveness of the oversight of electric utilities and ensure that electric rates are just and reasonable. Authorizes PUC to retain an independent consultant, at the expense of electric utilities, to conduct the study. Requires PUC to provide the report to the legislature no later than January 15, 2017.

Operations of a Municipally Owned Utility or Municipal Power Agency—S.B. 776

by Senator Fraser—House Sponsor: Representative Kacal et al.

Most electric utilities in Texas must receive approval of a change to their certificate of convenience and necessity (CCN) from the Public Utility Commission of Texas (PUC) for the construction of electric transmission lines. However, when a municipally owned utility (MOU) exercises its condemnation rights, the utility is not required to obtain a CCN from PUC, even if it is constructing lines outside of its service territory or for purposes other than serving its own retail customers. This gap in the PUC's authority could result in landowners outside of a municipality who are affected by these lines having no recourse regarding the routing or operation of the lines should they object to the municipal utility's preferred route. This bill:

Prohibits a municipally owned utility from directly or indirectly constructing, installing, operating, or extending a transmission facility outside of its certificated service area unless the municipally owned utility first obtains from PUC a certificate that states that the public convenience and necessity requires or will require the transmission facility.

Requires PUC to adopt rules as necessary to provide exemptions to the prohibition that are similar to the exemptions provided to an electric utility, including exemptions for upgrades to an existing transmission line that do not require any additional land, right-of-way, easement, or other property not owned by the municipally owned utility.

Requires PUC to approve such an application for a transmission facility not later than the 185th day after the date the application is filed. Authorizes PUC, in approving the application, to prescribe reasonable conditions to protect the public interest that are consistent with the final order of the Federal Energy Regulatory Commission.

Entitles a municipally owned utility that is required to apply for a certificate of public convenience and necessity to construct, install, or extend a transmission facility within the Electric Reliability Council of Texas (ERCOT) under the applicable statutory provisions to recover, through the utility's wholesale transmission rate, reasonable payments made to a taxing entity in lieu of property taxes on that transmission facility, provided that the utility enters into a written agreement with the governing body of the taxing entity related to the payments, that the amount paid is the same as the amount the utility would have to pay to the taxing entity on that transmission facility if the facility were subject to property taxation, that the governing body of the taxing entity is not the governing body of the utility, and that the utility provides PUC with a copy of the written agreement and any other information PUC considers necessary in relation to the agreement.

Adds alternate governance provisions applicable to a municipal power agency created by two or more public entities under statutory provisions relating to municipal power agencies created as joint powers agencies or under a predecessor statute, including a re-created agency. Authorizes participating public entities of a municipal power agency, by concurrent ordinance, to elect to apply the bill's provisions to such an agency as an alternative to statutory provisions relating to municipal power agencies created as joint powers agencies. Requires that a concurrent ordinance, as adopted by each public entity, contain identical provisions and to state that the public entity has elected that such an agency shall, on and after the date designated in the ordinance, be governed by the bill's provisions relating to alternative governance.

Prohibits a municipal power agency from imposing a tax but grants such an agency all the other powers relating to municipally owned utilities and provided by law to a municipality that owns a public utility. Authorizes the public entities that created or re-created such an agency, by concurrent ordinances, to add a new public entity as a participating public entity in the agency or remove a public entity from participation in the agency. Requires such concurrent ordinances, as adopted by each public entity, to contain identical provisions, to define the boundaries of such an agency to include the territory within the boundaries of each participating public entity, to designate the name of the agency, and to designate the number, place, terms, and manner of appointment of directors, as provided by the applicable bill provision. Prohibits the public entities from adding or removing a public entity if the addition or removal will impair an obligation of the municipal power agency. Prohibits the public entities from adopting such concurrent ordinances adding a participating public entity unless the addition has been approved by a majority of the qualified voters of the additional public entity at an election called and held for that purpose. Provides for the process and procedures of such an election.

Sets forth requirements regarding the composition of the board of directors of a municipal power agency. Authorizes the municipal power agency to amend the creating concurrent ordinances to provide for the agency to be governed by one board of directors for the agency's generation system and another board of directors for the agency's transmission system. Sets forth the powers and duties of such boards.

Relating to the Universal Service Plan for Certain Providers—S.B. 804

by Senator Seliger—House Sponsor: Representative Ken King

S.B. 583, 83rd Legislature, Regular Session, created a process to end the support that telecommunication providers receive from the Texas Universal Service Fund (TUSF) in certain exchanges, allowing competitive providers to continue receiving TUSF support for 24 months following deregulation by the incumbent provider and setting a date certain of December 31, 2017, for cooperatives. S.B. 804 authorizes competitive providers to receive TUSF support until either 24 months have expired or until December 31, 2017, whichever is later. This bill:

Requires that, if an incumbent local exchange company or cooperative is ineligible for support under a plan established under Section 56.021(1) (relating to state assistance for telecommunications providers in rural areas), Utilities Code, for services in an exchange, a plan established under Section 56.021(1), Utilities Code, is prohibited from providing support to any other telecommunications providers for services in that exchange, except that an eligible telecommunications provider that is receiving support under Section 56.021(1)(A) (relating to the Texas High Cost Universal Service Plan), Utilities Code, in that exchange shall continue to receive such support until the later of December 31, 2017, or the second anniversary of the date the incumbent local exchange provider or cooperative ceases receiving support in that exchange.

Authority of the Public Utility Commission to Retain Assistance—S.B. 932

by Senator Fraser—House Sponsor: Representative Cook

Section 39.4525, Utilities Code, authorizes the Public Utility Commission of Texas (PUC) to use outside consultants, auditors, engineers, or attorneys to represent PUC in a proceeding before the Federal Energy Regulatory Commission (FERC) for matters relating to Entergy Texas. This authorization was specifically designed to address the Entergy ITC case, which has been adjudicated before FERC since 2012, and in

which PUC, representing ratepayers outside of the Electric Reliability Council of Texas (ERCOT) area and the public interest, petitioned FERC as an affected party. The authorizing provision, which includes a $1.5 million expenditure limit, will expire in 2017. Currently, PUC is a party to 21 FERC proceedings related to Entergy Texas, and anticipates that these proceedings and subsequent appellate actions will continue well beyond its current expiration date. S.B. 932 extends and enhances PUC's ability to retain counsel at FERC. This bill:

Authorizes PUC to retain any consultant, accountant, auditor, engineer, or attorney that PUC considers necessary to represent PUC in a proceeding before FERC, or before a court reviewing proceedings of that federal commission, related to:

- the relationship of an electric utility to a power region, regional transmission organization, or independent system operator;
- the approval of an agreement among the electric utility and the electric utility's affiliates concerning operation coordination; or
- other matters related to the electric utility that may affect the ultimate rates paid by retail customers.

Provides that assistance for which a consultant, accountant, auditor, engineer, or attorney may be retained may include conducting a study, conducting an investigation, presenting evidence, advising PUC, or representing PUC.

Requires the electric utility to timely pay the reasonable costs of the services of retained assistance and caps total expenditures on retained assistance at $1.5 million per year.

Requires PUC to allow the electric utility to recover both the total costs that the electric utility paid to retain assistance and the carrying charges for those costs through an annually-established rider. Prohibits the rider from being implemented before the rider is reviewed and approved by PUC.

Requires PUC to consult with and receive the approval of the attorney general of the State of Texas (attorney general) in retaining assistance. Precludes PUC from engaging any individual who is required to register as a lobbyist under Section 305.003 (Persons Required to Register), Government Code.

Provides that the provisions of this Act expire September 1, 2023.

Authority of the Public Utility Commission to Review Interconnections—S.B. 933

by Senator Fraser—House Sponsor: Representatives Cook and Kacal

The interconnection of new direct current (DC) ties between the Electric Reliability Council of Texas (ERCOT) system and neighboring regional transmission organizations could have a significant impact on prices, resource dispatch practices, reliability, the quantity and cost of ancillary services, and resource adequacy. During times of system stress and high prices, ERCOT could use these additional DC ties as resources, importing power to alleviate strain on the system and moderate prices. When prices are low, exports over DC ties could provide broader markets for power producers in ERCOT. The impacts of new large DC ties on consumers and producers are varied and must be formally assessed by the Public Utility

Commission of Texas (PUC). S.B. 933 authorizes PUC to review and assess whether interconnection transmission projects with DC ties are in the public interest. This bill:

Prohibits a person, including an electric utility or municipally owned utility, from interconnecting a facility to the ERCOT transmission grid that enables additional power to be imported into or exported out of the ERCOT power grid unless that person obtains a certificate from PUC stating that public convenience and necessity requires or will require the interconnection. Requires the person to apply for the certificate not later than the 180th day before the date the person seeks any order from the Federal Energy Regulatory Commission related to the interconnection. Requires PUC to apply Section 37.056 (Grant or Denial of Certificate), Utilities Code, in considering such an application. In addition, PUC must determine that the application is consistent with the public interest before granting the certificate. Authorizes PUC to adopt rules necessary to implement the provisions of this Act.

Requires PUC, not later than the 185th day after the date the application is filed, to approve an application filed for a facility that is to be constructed under an interconnection agreement directing physical connection between the ERCOT and SERC regions. Authorizes PUC, in approving the application, to prescribe reasonable conditions to protect the public interest that are consistent with the final order of FERC.

Certain Programs for Veterans and Military Families—H.B. 19

by Representatives Susan King and Burkett—Senate Sponsor: Senators Campbell and Menéndez

H.B. 19 seeks to strengthen the Military Veteran Peer Network (MVPN) of the Texas Veterans Commission (TVC) and the Department of State Health Services (DSHS) by enhancing mental health intervention services for veterans. It also requires the Department of Family and Protective Services (DFPS) to establish preventative family crisis support services for veterans and military families. Additionally, the bill requires the state to support local collaboration of both mental health services and preventative family crisis support services. This bill:

Requires DFPS to develop and implement a preventive services program (program) to serve veterans and military families who have experienced or are at a high risk of experiencing family violence, abuse, or neglect.

Requires that the program: be designed to coordinate with community-based organizations to provide prevention services; include a prevention component and an early intervention component; include collaboration with services for child welfare, services for early childhood education, and other child and family services programs; and coordinate with the community collaboration initiative and committees formed by local communities as part of that initiative.

Requires that the program be established initially as a pilot program in areas of the state in which DFPS considers the implementation practicable, and requires that the outcomes of the program be evaluated to ensure that the program is producing positive results before implementing the program throughout the state.

Requires DFPS to prepare an annual report on the outcomes of the program and to publish the report on the DFPS website.

Requires TVC and DSHS to coordinate and administer the mental health program for veterans.

Requires TVC, for the mental health program for veterans, to: provide training to volunteer coordinators and peers; provide technical assistance to volunteer coordinators and peers; recruit, train, and communicate with community-based therapists, community-based organizations, and faith-based organizations; and coordinate services for justice-involved veterans.

Requires the executive director of TVC to appoint a program director to administer the mental health program for veterans, and requires TVC to provide appropriate facilities in support of the mental health program for veterans to the extent funding is available for that purpose.

Requires TVC to develop and implement methods for providing volunteer coordinator certification training to volunteer coordinators, including providing training for initial certification and recertification and providing continuing education. Requires TVC to manage and coordinate the peer training program to include initial training, advanced training, certification, and continuing education for peers associated with the mental health program for veterans.

Requires TVC and DSHS to include, as a part of the mental health program for veterans, an initiative to encourage local communities to conduct cross-sector collaboration to synchronize locally accessible

resources available for veterans and military service members, and that the initiative be designed to encourage local communities to form a committee that develops a plan to identify and support the needs of veterans and military service members residing in their community. Authorizes TVC to designate general areas of focus for the initiative.

Awarding the Texas Purple Heart Medal—H.B. 115

by Representative Dale et al.—Senate Sponsor: Senators Fraser and Campbell

H.B. 115 seeks to honor members of the armed forces who were wounded or killed at Fort Hood on November 5, 2009, by awarding them the Texas Purple Heart Medal. This bill:

Authorizes the governor of the State of Texas or adjutant general of the Texas Military Forces, if delegated the authority, to adopt policies and regulations relating to rewarding the Texas Purple Heart Medal, which shall be awarded to a service member who, after September 11, 2001, was inducted into federal service from the Texas National Guard and meets the criteria for an award of the federal Purple Heart Medal, or was wounded or killed at Fort Hood on November 5, 2009.

Privileged Parking for Distinguished Flying Cross Medal Recipients—H.B. 168

by Representative Larson et al.—Senate Sponsor: Senator Campbell

The Distinguished Flying Cross is awarded to service members who distinguish themselves in actual combat in support of operations by "heroism or extraordinary achievement while participating in an aerial flight." This bill:

Includes vehicles displaying a Distinguished Flying Cross Medal license plate among those that are exempt from the payment of a parking fee collected through a parking meter charged by a governmental authority other than a branch of the federal government, when those vehicles are operated by or for the transportation of the recipient of a Distinguished Flying Cross Medal.

Gold Star Mothers—H.B. 194

by Representative Price et al.—Senate Sponsor: Senators Hinojosa and Campbell

A Gold Star Mother is a mother whose life has been abruptly changed by the news that her son or daughter has been killed while serving in the U.S. armed forces. The gold star concept began during the United States' involvement in World War I, when families displayed flags bearing a blue star for each military service member. A surviving mother stitched a gold star over the blue one to honor a son or daughter who died in military service. In 1936, the United States began observing Gold Star Mother's Day on the last Sunday of September. H.B. 194 seeks to honor Gold Star Mothers in Texas. This bill:

Provides that the last Sunday in September of each year is Gold Star Mother's Day in recognition of mothers whose sons and daughters died while serving in the United States armed forces, and requires that Gold Star Mother's Day be regularly observed by appropriate ceremonies.

Health Benefits for State Employees Reemployed after Military Service—H.B. 437

by Representative Raney et al.—Senate Sponsor: Senator Campbell

Due to frequent deployments for state, National Guard, and U.S. military units to the border and overseas locations, individuals who are employed by state and local governments need to be reassured that their employment benefits will be restored to them immediately upon on their return to employment. Current statute is ambiguous as to when these benefits are resumed, potentially leaving many families and individuals in a coverage gap. This bill:

Provides that eligibility for an employee reemployed under Chapter 613 (Reemployment Following Military Service), Government Code, begins on the first day of reemployment on which the employee performs services for a state agency or system.

Availability of Paid Leave for Military Service to Public Employees—H.B. 445

by Representative Raney et al.—Senate Sponsor: Senator Lucio

Interested parties state that certain public officers and employees who are also members of the Texas military forces, a reserve component of the armed forces, or members of a state or federally authorized urban search and rescue team are given paid leave each fiscal year to fulfill annual training requirements or to engage in certain duties. Unused days of such paid leave are available for use by the officer or employee in some instances. Confusion relating to such paid leave is common because an employer is not expressly required to provide written notice of accumulated paid leave days to an eligible employee. H.B. 445 seeks to ensure that these employees receive written notice regarding available paid leave. This bill:

Requires this state, a municipality, a county, or another political subdivision of this state, to provide written notice of the number of workdays of paid leave to which an officer or employee is entitled each fiscal year, and the number of workdays of paid leave that an officer or employee may carry forward each fiscal year that does not exceed 45 work days.

Requires this state, a municipality, a county, or another political subdivision of this state, on the request of an officer or employee, to provide a statement that contains the number of workdays for which the officer or employee claimed paid leave in that fiscal year. Provides that the statement is provided to an officer or employee of this state, the statement must contain the net balance of unused accumulated leave for that fiscal year that the officer or employee is entitled to carry forward to the next fiscal year, and the net balance of all unused accumulated leave to which the officer or employee is entitled.

Master Sergeant Mike C. Peña Memorial Highway—H.B. 481

by Representative Stephenson et al.—Senate Sponsor: Senator Kolkhorst

The steadfast bravery exhibited by Master Sergeant Mike C. Peña in sacrificing his life to save retreating members of his platoon during the Korean War deserves an acknowledgement as grand as his gesture. This bill:

Designates the portion of Farm-to-Market Road 1301 in Wharton County between its intersection with the Matagorda County line and Richmond Road as the Master Sergeant Mike C. Peña Memorial Highway.

Requires the Texas Department of Transportation, subject to a grant or donation of funds, to design and construct markers indicating the designation as the Master Sergeant Mike C. Peña Memorial Highway and any other appropriate information, and to erect a marker at each end of the highway and at appropriate intermediate sites along the highway.

Pay, Benefits, and Requirements for State Active Duty Service Members—H.B. 577
by Representative Flynn—Senate Sponsor: Senator Campbell

A claim of discrimination filed by a service member on state active duty falls under the jurisdiction of both the Texas Workforce Commission civil rights division and the Texas military forces. The interests of service members filing such claims would be better served by processing the claims in accordance with military regulations. H.B. 577 seeks to limit the jurisdiction over such claims to the Texas military forces. This bill:

Requires that a claim of discrimination by a service member on state active duty be processed in accordance with military regulations and procedures established for the Texas military forces, and provides that the claim is exempt from the jurisdiction of the Texas Workforce civil rights division.

Provides that a member of Texas Military Forces called to state active duty is subject to the regulations established for continued membership in the specific component, including but not limited to medical readiness, drug testing, physical fitness and training requirements.

Donations to Certain Local Veterans' Charities—H.B. 583
by Representative Larson—Senate Sponsor: Senator Menéndez

Currently, a judge is allowed to require a defendant to donate to a nonprofit food bank in lieu of completing community service. Judges should have the authority to allow defendants to donate to charitable organizations performing charitable functions for veterans in lieu of community service. This bill:

Authorizes a judge, in lieu of requiring a defendant to work a specified number of hours at a community service project or projects under Subsection (a) (authorizing a judge to require as a condition of community supervision that the defendant work a specified number of hours at a community service project or projects for a certain organization or organizations) to order a defendant to make a specified donation to: a nonprofit food bank or food pantry in the community in which the defendant resides; a charitable organization engaged primarily in performing charitable functions for veterans in the community in which the defendant resides; or another nonprofit organization in a county with a population of less than 50,000 that provides services or assistance to needy individuals and families in the community in which the defendant resides.

Hunting or Fishing License Fee Waiver for Certain Disabled Veterans—H.B. 721
by Representative Farias et al.—Senate Sponsor: Senator Campbell

Currently, a veteran with a service-connected disability consisting of the loss of the use of a lower extremity or of a disability rating of 60 percent or more and who is receiving federal compensation for the disability qualifies for the waiver of resident hunting and fishing license fees in Texas. There are concerns that there are too few veterans benefiting from the waiver and that the minimum threshold for that qualifying disability

rating is too high and may not be reflective of certain United States Department of Veterans Affairs (VA) service-connected disability ratings. H.B. 721 seeks to extend resident hunting and fishing license fee waivers to a larger number of disabled veterans as a gesture of appreciation for their service and sacrifice. This bill:

Defines "qualified disabled veteran" as a veteran with a service connected disability consisting of the loss of the use of a lower extremity or of a disability rating of 50 percent or more.

License Plates for Retired Members of the Military—H.B. 789

by Representatives Rick Miller and Fallon—Senate Sponsor: Senator Van Taylor

Currently, a veteran must have completed 20 or more years of satisfactory federal service to receive retired military license plates. This provision eliminates a large portion of the population that is considered retired military, but might not have completed 20 years of service. This bill:

Provides that satisfactory proof of eligibility for a license plate issued under Section 504.303 (Members or Former Members of United States Armed Forces), Transportation Code, to a retired member of the United States armed forces may be demonstrated by certain evidence, including an identification card issued by any branch of the military under the jurisdiction of the United States Department of Defense or the United States Department of Homeland Security indicating that the member is retired.

Requires TxDMV to issue certain specialty license plates to active members of the Texas National Guard or Texas State Guard, retired members of the Texas National Guard or Texas State Guard, and members of a reserve component of the United States armed forces. Provides that satisfactory proof of eligibility for a license plate issued under Section 504.305 (Members of Texas National Guard, State Guard, or United States Armed Forces Reserves), Transportation Code, to a retired member of the Texas National Guard or Texas State Guard may be demonstrated by certain evidence, including an identification card issued by the United States Department of Defense, the Department of the Army, or the Department of the Air Force indicating that the member is retired.

Removes the eligibility requirement of the completion of 20 or more years of satisfactory federal service for the issuance of such a license plate.

Texas Women Veterans Program—H.B. 867

by Representative Hernandez et al.—Senate Sponsor: Senator Garcia et al.

Female veterans face numerous socioeconomic challenges as they transition to civilian life and the economic and social challenges of Texas' female veterans can be a hindrance to economic growth. H.B. 867 seeks to address these issues and help increase Texas' economic competitiveness. This bill:

Establishes the Texas Women Veterans Program (program) in the Texas Veterans Commission (TVC), and provides that the program is attached to the office of the executive director of TVC (executive director) for administrative purposes. Requires the executive director to designate a women veterans coordinator for this state.

Provides that the mission of the program is to ensure that the women veterans of this state have equitable access to federal and state veterans' benefits and services.

Requires that the program: provide assistance to the women veterans of this state; perform outreach functions to improve the awareness of women veterans of their eligibility for federal and state veterans' benefits and services; assess the needs of women veterans with respect to benefits and services; review programs, research projects, and other initiatives designed to address the needs of the women veterans of this state; make recommendations to the executive director regarding the improvement of benefits and services to women veterans; and incorporate issues concerning women veterans in TVC planning regarding veterans' benefits and services.

Requires that the program support women veterans and work to increase public awareness about the gender-specific needs of women veterans, and that the program recommend legislative initiatives and the development of policies on the local, state, and national levels to address the issues affecting women veterans.

Requires that the program collaborate with federal, state, county, municipal, and private agencies that provide services to women veterans.

Requires that the program monitor and research issues relating to women veterans, and that the program disseminate information regarding opportunities for women veterans throughout the network of entities with which the program collaborates.

Requires that the program, through conferences, seminars, and training workshops with federal, state, county, municipal, and private agencies, provide guidance and direction to women veterans who are applying for grants, benefits, or services.

Requires that the program promote events and activities that recognize and honor the women veterans of this state and women who serve in the military.

Requires that the program provide appropriate facilities in support of the program, to the extent funding is available for that purpose.

Authorizes TVC to accept and spend funds appropriated to TVC for the operation of the program and received from other sources, which include donations and grants, and to provide matching grants to assist in the implementation of the program's goals and objectives on behalf of the program.

Authorizes TVC to participate in the establishment and operation of an affiliated nonprofit organization for the purpose of raising money for or providing services or other benefits to TVC or a program established in TVC, including the Texas Women Veterans Program.

Veteran Status of Inmates and Prisoners—H.B. 875

by Representatives Farias and Guillen—Senate Sponsor: Senator Menéndez

Recently enacted legislation requires the Texas Department of Criminal Justice (TDCJ) to verify an inmate's veteran status by using the Public Assistance Reporting Information System (PARIS), which also

is used to assist veterans in applying for federal benefits for which they may qualify. The results are returned to TDCJ from the Health and Human Services Commission on a quarterly basis under established federal guidelines and fail to capture the most up-to-date information on veterans located in county jails. A new federal system provides real-time information and status verification to TDCJ, allowing for the timely identification of incarcerated veterans and for increased access by such veterans to federal benefits. This bill:

Requires TDCJ to record information relating to an inmate's military history in the inmate's admission sheet and intake screening form, or any other similar document.

Strikes reference to PARIS.

Requires TDCJ, in consultation with the Texas Veterans Commission, to investigate and verify the veteran status of each inmate by using the best available federal data.

Requires the Commission on Jail Standards to require the sheriff of each county to:

- investigate and verify the veteran status of each prisoner by using data made available from the Veterans Reentry Search Service operated by the United States Department of Veterans Affairs (DVA) or a similar service; and
- use this data to assist prisoners who are veterans in applying for federal benefits or compensation for which the prisoners may be eligible under a program administered by DVA.

Veterans County Service Officer Appointment Qualification—H.B. 906

by Representatives Paddie and Ashby—Senate Sponsor: Senator Nichols

Some counties have a shortage of qualified veterans county service officers. Without these officers, counties are ineligible to provide certain locally administered services. Current law considers only widows of veterans or service members killed in action or spouses of disabled veterans to be eligible to serve. Spouses of retired veterans should be considered equally as qualified and able to advocate veterans' rights as spouses of deceased or disabled veterans. H.B. 906 adds spouses of retired veterans who served at least 20 years on active duty to the list of individuals eligible to serve as veterans county service officers, which will permit counties to better serve their veterans by enabling them to find and retain qualified veterans county service officers. This bill:

Requires a person who is to be appointed as a veterans county service officer to have the service experience necessary to meet the service experience requirement for veterans county service officers, or be the spouse of a retired veteran who served a minimum of 20 years on active duty.

36th Infantry Division License Plates—H.B. 923

by Representative Flynn et al.—Senate Sponsor: Senator Van Taylor

The 36th Infantry Division of the Texas military forces, also known as the Arrowhead Division or the Texas Division, is currently the largest standing single formation of soldiers in the state military forces. Members of the esteemed division have included some of the most decorated soldiers of World War II. While current

law provides for the issuance of specialty license plates for veterans with certain military affiliations and rewards, there is no such plate for the 36th Infantry Division. This bill:

Requires the Texas Military Department, on request, to issue a souvenir version of the specialty license plate described by the provisions of this bill.

Requires the Texas Department of Motor Vehicles to issue specialty license plates for persons who have served in the 36th Infantry Division of the Texas Army National Guard. Requires that the license plates include the 36th Infantry Division emblem and the words "36th Infantry Division" at the bottom of each plate.

Totally Disabled Veteran Exempt From Ad Valorem Tax—H.B. 992

by Representative Dennis Bonnen et al.—Senate Sponsor: Senators Larry Taylor and Hinojosa

H.B. 992 amends current law relating to the exemption from ad valorem taxation of the total appraised value of the residence homestead of the surviving spouse of a totally disabled veteran. The current tax law creates two classes of surviving spouses: one class whose spouse has died since 2009 and who do receive the homestead exemption and one class whose spouse died prior to 2009 and who do not receive the exemption. H.B. 992 provides that the homestead exemption can be applied to the surviving spouse of a veteran who died prior to 2009 and who would have qualified for the exemption. This bill:

Provides that the surviving spouse of a disabled veteran who qualified for a homestead exemption when the disabled veteran died, or of a disabled veteran who would have qualified for an exemption had the effective date included the date the disabled veteran died, is entitled to an exemption from taxation of the total appraised value of the same property to which the disabled veteran's exemption applied, or to which the disabled veteran's exemption would have applied if the exemption had been authorized on the date the disabled veteran died, if:

- the surviving spouse has not remarried since the death of the disabled veteran; and
- the property was the residence homestead of the surviving spouse when the disabled veteran died and remains the residence homestead of the surviving spouse.

Provides that Section 11.131 (Residence Homestead of 100 Percent or Totally Disabled Veteran), Tax Code, as amended by this Act, applies only to ad valorem taxes imposed for a tax year beginning on or after January 1, 2016.

U.S. Army Sergeant Enrique Mondragon Memorial Highway—H.B. 1044

by Representative Fallon et al.—Senate Sponsor: Senator Nelson

U.S. Army Sergeant Enrique Mondragon should be acknowledged for his service to this country. This bill:

Designates the portion of Farm-to-Market Road 423 in Denton County between its intersection with U.S. Highway 380 and State Highway 121 as the U.S. Army Sergeant Enrique Mondragon Memorial Highway.

Requires the Texas Department of Transportation, subject to a grant or donation of funds, to design and construct markers indicating the designation as the U.S. Army Sergeant Enrique Mondragon Memorial Highway and any other appropriate information, and to erect a marker at each end of the highway and at appropriate intermediate sites along the highway.

Combat Action Badge, Medal, or Ribbon Specialty License Plates—H.B. 1128
by Representative Fletcher—Senate Sponsor: Senators Van Taylor and Zaffirini

Current law provides for the issuance of specialty license plates to recipients of various military awards and medals. However, recipients of the Combat Action Badge, Combat Action Medal, and Combat Action Ribbon are not currently eligible to receive such a license plate. This bill:

Requires the Texas Department of Motor Vehicles (TxDMV) to issue specialty license plates for recipients of the Combat Action Badge, Combat Action Medal, and Combat Action Ribbon. Requires that license plates so issued include the appropriate emblem and the words "Combat Action Badge," "Combat Action Medal," or "Combat Action Ribbon" as appropriate, at the bottom of each plate.

Authorizes TxDMV, on request, to issue Disabled Veteran license plates depicting an emblem from a specialty plate established by this bill to which a person is entitled.

Composition of the Texas Military Preparedness Commission—H.B. 1133
by Representative Rick Miller—Senate Sponsor: Senators Van Taylor and Zaffirini

The Texas Military Preparedness Commission (TMPC) is responsible for assisting military communities in meeting economic challenges. With an upcoming base realignment and closure (BRAC) set for 2017, TMPC will play a crucial role in assisting the 15 Texas military installations.

H.B. 1133 adds the adjutant general as an ex-officio member of TMPC. The adjutant general is the senior military officer and de facto commander of the state's military forces. H.B. 1133 mandates that if the adjutant general ceases to hold this position, his seat on TMPC shall also be vacated. If this is the case, then the adjutant general may choose a representative to serve on the commission in his place, but this member must be an officer or employee of the same office as the ex-officio member. The adjutant general is entitled to compensation or reimbursement for travel expenses incurred while conducting official TMPC business. This bill:

Provides that TMPC is composed of 13 public members and certain ex-officio members, including the adjutant general. Sets forth the terms and conditions for service on the commission.

Authorizes an ex-officio member of TMPC to designate a representative to serve on TMPC in the member's absence, and requires a representative to be an officer or employee of the state agency the ex-officio member serves.

Provides that the entitlement of the ex-officio member to compensation or to reimbursement for travel expenses incurred while transacting TMPC business is governed by the law that applies to the member's service in that underlying position, and any payment to the member for either purpose be made from

money that may be used for the purpose and is available to the state agency that the member serves in that underlying position.

Chris Kyle Memorial Highway—H.B. 1187

by Representative Wray et al.—Senate Sponsors: Birdwell and Bettencourt

Nearly two years ago, Chris Kyle lost his life while assisting a United States Marine Corps veteran. His death marked the end of a life distinguished by service to his fellow man and to the United States. This bill:

Provides that a portion of U.S. Highway 287 in Midlothian between its intersection with Rex Odom Drive and its intersection with Kimble Road is designated as the Chris Kyle Memorial Highway under the conditions set forth in this bill.

Certain Military Specialty License Plates—H.B. 1273

by Representatives Farias and Guillen—Senate Sponsor: Senator Uresti

There is a lack of clarity in the eligibility requirements for the issuance of specialty license plates to certain veterans and, as a consequence, these deserving veterans are not assured of receiving specialty plates. This bill:

Amends the Transportation Code to add new eligibility requirements and specialty license plates to be issued by the Department of Motor Vehicles for Korean War veterans, Vietnam veterans, Desert Shield/Storm/Provide Comfort veterans, and prisoners of war.

Meritorious Service Medal Specialty License Plates—H.B. 1364

by Representative Rick Miller—Senate Sponsor: Senator Van Taylor

Current law provides for the issuance of specialty license plates to recipients of various military awards and medals. However, recipients of the Defense Meritorious Service Medal and the Meritorious Service Medal are not currently eligible to receive such license plates. This bill:

Requires the Texas Department of Motor Vehicles (TxDMV) to issue specialty license plates for recipients of the Defense Meritorious Service Medal. Requires that such license plates include the Defense Meritorious Service Medal emblem and include the words "Defense Meritorious Service Medal" at the bottom of each plate.

Requires TxDMV to issue specialty license plates for recipients of the Meritorious Service Medal. Requires that such license plates include the Meritorious Service Medal emblem and include the words "Meritorious Service Medal" at the bottom of each plate.

Voluntary Donation to the Fund for Veterans' Assistance—H.B. 1584

by Representative Farias et al.—Senate Sponsor: Senators Zaffirini and Hinojosa

The Fund for Veterans' Assistance (FVA) provides grants to local governments and nonprofit organizations to enhance and improve veterans' assistance programs that address the needs of veterans and their families. In the past few years, voluntary contributions to the fund have generated more than $2 million and the Texas Veterans Commission has awarded nearly $45 million in grants to address a broad range of needs such as limited emergency assistance, transportation services, housing assistance, family and child services, and other supportive services. The need for funding, however, continues to exceed the funding available to award grants and the commission is not able to provide funding to all applicants. This bill:

Authorizes a person, when the person applies for a hunting or fishing license of any type, including a combination hunting and fishing license, under this code, to make a voluntary contribution of $1, $5, $10, or $20 to the FVA.

Requires the Texas Parks and Wildlife Department (TPWD) to include space on the first page of each application for a hunting or fishing license that allows a person applying for the license to indicate that the person is voluntarily contributing $1, $5, $10, or $20 to the FVA and provide an opportunity for the person to contribute $1, $5, $10, or $20 to the FVA during the application process for a hunting or fishing license on the TPWD Internet website.

Requires TPWD to send any contribution made under this section to the comptroller of public accounts of the State of Texas for deposit in the state treasury to the credit of the FVA not later than the 14th day of each month. Authorizes TPWD, before sending the money to the FVA, to deduct money equal to the amount of reasonable expenses for administration.

Requires the Texas Parks and Wildlife Commission (commission), to implement Section 12.007 (Voluntary Contribution to Fund For Veterans), Parks and Wildlife Code, as added by this Act, to adopt rules as needed and requires TPWD to develop procedures to implement that section not later than August 1, 2016.

Texas Military Forces Oath of Office—H.B. 1598

by Representative Doug Miller—Senate Sponsor: Menéndez

Certain individuals who volunteer for the Texas military forces currently are not required to subscribe to an oath of allegiance to the State of Texas and to the United States of America. H.B. 1598 ensures that these volunteers are required to subscribe to such an oath. This bill:

Amends the Government Code to include a person who volunteers for the Texas military forces, other than the Texas National Guard, to be among the persons required to take and subscribe to the Texas military forces oath of affirmation and removes the requirement that the oath be prescribed by the adjutant general. Sets forth the specific content of the oath.

Compatible Land Use With Military Operations—H.B. 1640

by Representative Farias et al.—Senate Sponsor: Senator Campbell

Preventing encroachment upon military installations has become one of the top priorities of the United States Department of Defense. It is necessary to facilitate compatible land use between military installations and adjacent communities in order to ensure the military's ability to maintain operational readiness in defense of the nation. H.B. 1640 seeks to facilitate such land use and help preserve the readiness of military installations within certain counties alongside the growth and expansion of those defense communities. This bill:

Requires a defense community that proposes to adopt or amend an ordinance, rule, or plan that would be applicable in a controlled compatible land use area that may impact base operations, to notify the base or facility authorities concerning the compatibility of the proposed ordinance, rule, or plan with base operations. Requires the same for a defense community on receipt of an application for a permit for a proposed structure.

Provides that the notification requirement applies only to a defense community that has not adopted airport zoning regulations and that: is a county with a population of more than 1.5 million that contains a municipality in which at least 75 percent of the county's population resides; is a county with a population of 130,000 or more that is adjacent to such a county; or includes a municipality that is located in a county with a population of more than 130,000 that borders the Red River.

Authorizes a defense community to enter into a memorandum of agreement with the military base or defense facility to establish a smaller area in the controlled compatible land use area for which notification would be required by the defense community.

Requires the defense community, after providing notice, to enter into a memorandum of agreement with the military base or defense facility to establish provisions to maintain the compatibility of the proposed ordinance, rule, or plan with base operations.

Gold Star Family Member Specialty License Plate—H.B. 1702

by Representatives Blanco and Aycock—Senate Sponsor: Senator Rodríguez

State law provides for the issuance of Gold Star specialty license plates for certain family members of a person who died while serving in the United States armed forces. However, many family members who would like to honor the sacrifice of their loved one by displaying these license plates cannot afford the associated fee. This bill:

Repeals Section 504.512(b) (relating to the fee for issuance of a specialty license plate for the mother, father, or surviving spouse or an immediate family member of a person who died while serving in the United States armed forces), Transportation Code.

Health Care Advocacy Program for Veterans—H.B. 1762

by Representative Otto et al.—Senate Sponsor: Senator Lucio

Currently, over one million veterans reside throughout Texas, and roughly 485,000 are enrolled in the VA healthcare system. The Texas Veterans Commission (TVC) helps Texas veterans and their families to overcome crises that have arisen at the United States Department of Veterans Affairs (VA). Whether working to address an influx of claims related to Agent Orange exposure in 2009, reducing the VA backlog in 2013, or working to address a growing number of VA appeals, Texas veterans have utilized TVC as an advocate at the VA. In 2014, allegations emerged that VA staff had reduced wait times by manipulating reported data, and that veterans had died while awaiting appointments for medical care. H.B. 1762 creates a health care advocacy program within TVC to resolve access issues raised by Texas veterans at VA healthcare facilities. The healthcare advocacy program for veterans will strategically place healthcare liaisons in VA facilities throughout the state, coordinating with VA medical administrators to resolve access issues raised by veterans. H.B. 1762 seeks to codify the current efforts of the Texas Healthcare Strike Force within TVC to resolve any access issues faced by Texas veterans at VA healthcare facilities. This bill:

Requires TVC to establish and implement a health care advocacy program to assist veterans in gaining access to health care facilities of the VA. Requires the program to provide assistance to veterans by resolving any access issues raised by veterans in this state or referred to TVC by: establishing the veterans toll-free hotline; coordinating with the Veterans Health Administration of the VA to support the health care advocacy program; coordinating with health care providers in this state to expand providers' opportunities to treat veterans through the VA; reviewing and researching programs, projects, and initiatives designed to address the health care needs of veterans; evaluating the effectiveness of the efforts of TVC to improve access to health care services for veterans; making recommendations to the executive director of TVC to improve health care services and assistance for veterans; incorporating veterans' health care issues into TVC's strategic plan; assisting veterans in securing benefits and services; and recommending legislative initiatives and policies at the local, state, and national levels to address issues affecting health care for veterans.

Requires the executive director of TVC to appoint a program coordinator to administer the health care advocacy program. Requires TVC to provide facilities as appropriate to support the program to the extent funding is available for that purpose.

Online Renewal of Driver's Licenses for Service Member—H.B. 1814

by Representative Farney—Senate Sponsor: Senator Van Taylor

Although current law authorizes the online renewal of a Texas driver's license (DL) under certain conditions, a military service member on active duty outside of the United States may not be able to renew the DL online if the service member has previously renewed the DL online or has been stationed outside of the United States for longer than two years. These limitations present difficulties for active duty members of the military and the families of such service members. This bill:

Requires that a rule adopted under Section 521.274 (Renewal by Mail or Electronic Means), Transportation Code, among other requirements, allow for the renewal of a DL by electronic means, regardless of when

the DL expires, of a person who is on active duty in the armed forces of the United States and is absent from the state, or is the spouse or dependent child of such a person.

Military Personnel Teacher Certification for Public Schools—H.B. 2014

by Representative Sheets et al.—Senate Sponsor: Senators Van Taylor and Menéndez

Trades and industries education is an important teaching area that trains law enforcement and other technical professionals, including welders, motor vehicle mechanics, and other appliance and maintenance professionals. Trades and industries instructors work to train students for careers that serve Texas' growing economy. In order to be certified as a trades and industries education instructor by the State Board for Educator Certification (SBEC), an individual must have an occupational license in the technical area in which they intend to teach. This requirement precludes current or former military personnel who have genuine experience in certain technical areas from qualifying as instructors in Texas. Military technicians and military police do not have state occupational licenses, and the requirement that trades and industries instructors meet certain state licensure requirements in order to receive their certification from SBEC stifles veterans' participation. This bill:

Provides that a person who is a current or former member of the United States armed services is considered to have satisfied the requirement to have an occupational license in the technical area in which they intend to teach if the person has experience in that trade obtained through military service.

Prohibits SBEC from proposing rules requiring a current or former member of the United States armed services who seeks career and technology education certification for a specific trade to hold a credential related to that trade or possess experience related to that trade other than the experience in that trade obtained through military service.

Awarding the Cold War Medal—H.B. 2108

by Representatives Galindo and Guillen—Senate Sponsor: Senator Garcia

Those who served in the United States military during the Cold War should be recognized for their extraordinary achievements. H.B. 2108 seeks to acknowledge the efforts made by Texas military veterans of the Cold War by awarding them an honor equal to the honors awarded to those who served in other international conflicts.

Authorizes the governor of the State of Texas or adjutant general, if delegated the authority, to adopt policies and regulations relating to awarding the Cold War Medal to a member of the military forces of this state or the United States, who served between September 2, 1945, and December 26, 1991, and was a resident of this state at the time the service member entered military service.

Provides that a person may be awarded a Cold War Medal only if a federal Cold War Medal or an equivalent federal medal is not available to be awarded, and a fee in the amount necessary to cover the costs of awarding the medal is paid to the adjutant general's department.

Repeals Section 431.134 (Other Awards), Government Code.

Confidentiality for Members of the State Military Forces—H.B. 2152
by Representative Fletcher—Senate Sponsor: Senator Estes

Information that relates to the military service and personal information of a service member of the state military forces who is ordered to state active duty should be subject to confidentiality restrictions. Such information, should it fall into the wrong hands, could put the service member's family and property in danger. H.B. 2152 seeks to help protect these service members' families and property while they are deployed. This bill:

Provides that a service member's military personnel information is confidential and not subject to disclosure. Provides that information is excepted from the requirements of Section 552.021 (Availability of Public Information), Government Code, if it is information that relates to the home address, home telephone number, emergency contact information, or social security number of the person, or that reveals whether the person has family members.

Regional Military Sustainability Commissions—H.B. 2232
by Representatives Kuempel and Farias—Senate Sponsor: Senator Campbell

Preventing encroachment onto the areas surrounding military installations has become one of the top priorities of the United States Department of Defense. To ensure the military's ability to maintain operational readiness in defense of the United States, it is necessary to foster compatible land use between military installations and adjacent communities. H.B. 2232 seeks to address the issue of maintaining the readiness of military installations in light of the continuing growth and expansion of neighboring communities. This bill:

Provides that this Act applies only to a county in which three or more locations of a joint military base are located with a population of more than 1.7 million, a county that is adjacent to a such a county, or a municipality located within such a county.

Authorizes one or more municipalities with extraterritorial jurisdiction located within five miles of the boundary line of a military installation and one or more counties with unincorporated area located within five miles of the boundary of a military installation to agree by order, ordinance, or other means to establish and fund a regional military sustainability commission with respect to the military installation.

Provides that a commission's territory consists of: the area located outside the military installation's boundaries and within two miles of the boundary line of a military installation; for a commission established for a military installation engaged in flight training at the time the commission is established, the area within a rectangle bounded by lines located no farther than 1-1/2 statute miles from the centerline of a runway of the installation and lines located no farther than five statute miles from each end of the paved surface of a runway of the installation; the area located in the extraterritorial jurisdiction of a participating municipality, or the unincorporated area of a participating county; and the area designated as the commission's territory when the commission is established.

Deletes existing text authorizing a county with an unincorporated area located within five miles of the boundary line of a military installation, and a municipality with a population of 1.1 million or more and with

extraterritorial jurisdiction located within five miles of the boundary line of a military installation, each of which, with respect to the same military installation, constitutes a defense community as defined by Section 397.001, Local Government Code, to agree by order, ordinance, or other means to establish and fund a regional military sustainability commission in an area that is located in the same county as the active military installation, and in the extraterritorial jurisdiction of the municipality.

Deletes existing text prohibiting defense communities from establishing more than one commission in a county, and deletes existing text providing that a commission's territory consists of the unincorporated area located within two miles of the boundary line of a military installation.

Repeals Section 397A.052(d) (relating to the territory of a commission established at the time a military installation is engaged in flight training), Local Government Code.

Sgt. Tanner Stone Higgins Memorial Highway—H.B. 2265
by Representative Hughes—Senate Sponsor: Senator Hall

Texas has lost another brave son with the tragic loss of Army Ranger Sergeant Tanner Stone Higgins in military operations in a foreign theater. The distinguished service of Sergeant Higgins should be recognized. This bill:

Designates the portion of State Highway 154 from the municipal limits of Yantis in Wood County north to the municipal limits of Sulphur Springs in Hopkins County as the Sgt. Tanner Stone Higgins Memorial Highway.

Requires the Texas Department of Transportation, subject to a grant or donation of funds, to design and construct markers indicating the designation as the Sgt. Tanner Stone Higgins Memorial Highway and any other appropriate information, and to erect a marker at each end of the highway and at appropriate intermediate sites along the highway.

Texas Military Department Administrative Support Positions—H.B. 2965
by Representatives Larry Gonzalez and Guillen—Senate Sponsor: Senator Menéndez

Currently, members of the Texas military forces are subject to frequent reassignments and position rotations. Concerns have been raised that this prevents long-term stability and development of institutional knowledge within key military administrative and planning positions. H.B. 2965 seeks to increase long-term stability and institutional knowledge in those positions. This bill:

Authorizes the adjutant general to hire service members of the Texas military forces to fill state military positions with the Texas Military Department (TMD) as authorized by the General Appropriations Act. Provides that a service member hired is considered to be on extended state active duty service.

Entitles a service member called to extended state active duty service to the benefits and paid leave generally provided to state employees. Requires the adjutant general to establish and TMD to maintain the criteria for activating a service member. Authorizes a state military position to have a limited term with a defined end date or to be a continuing position without a defined end date.

Requires TMD, as soon as practicable before the end of each state fiscal year, to notify each service member called to extended state active duty service under this section whether TMD will continue the service member's state military position for the next state fiscal year.

Requires TMD to consult with the classification officer, as authorized by Chapter 654 (Position Classification), to develop a state salary structure classification applicable to service members called to extended state active duty service under this section. Authorizes the salary structure classification to allow for automatic salary increases based on the service member's military rank and years of service. Authorizes TMD to use the salary structure classification.

TRICARE Military Health System Supplemental Plan—H.B. 3307

by Representative Rick Miller et al.—Senate Sponsor: Senator Hinojosa

TRICARE is the health care program provided by the United States Department of Defense to certain veterans and their spouses and children. Upon retirement, veterans may maintain TRICARE benefits, but they are responsible for paying any applicable cost shares, including enrollment fees, deductibles, or copayments, which may be as much as $3,000 per year. The Employees Retirement System of Texas (ERS) estimates that there are approximately 8,000 veterans working for the state who are TRICARE eligible, but who are currently accessing health care through state plans because of the high out-of-pocket costs associated with TRICARE benefits. The state would save money if those veterans chose to obtain health care benefits through TRICARE. This bill:

Requires the ERS board of trustees (board) to make available a TRICARE Military Health System supplemental plan to an employee or annuitant who waives coverage under the basic coverage plan and is eligible for benefits under TRICARE.

Prohibits the board from contributing to the cost of the supplemental plan.

Requires that the plan be considered a permissible offering to TRICARE participants and beneficiaries under federal law.

Authorizes the board to adopt rules necessary to implement this Act.

Study of Veterans With Post-Traumatic Stress Disorder—H.B. 3404

by Representative Senfronia Thompson—Senate Sponsor: Senator Lucio

There are over two million veterans who served in the recent conflicts in Iraq and Afghanistan. Relevant data shows that approximately 300,000 of those veterans currently suffer from post-traumatic stress disorder (PTSD) and other co-occurring disorders. The cost of care for these veterans over two years is estimated to be between $4 billion and $6.2 billion. Houston and the surrounding area is home to approximately 370,000 veterans, of whom approximately 22,000 were deployed in the conflicts in Iraq or Afghanistan, and Texas is home to approximately 25 percent of all veterans nationwide. H.B. 3404 seeks to provide a study regarding effective and efficient treatment of Texas veterans. This bill:

Requires the Health and Human Services Commission (HHSC) to conduct a study on the benefits of providing integrated care to veterans with PTSD. Authorizes HHSC, in conducting the study, to coordinate with a university and medical school with expertise in behavioral health or PTSD.

Requires that the study evaluate the benefits of using a standardized comprehensive trauma and PTSD assessment to identify and target evidence-based treatment services to provide integrated care for veterans diagnosed with PTSD and involve family members in the treatment of a veteran diagnosed with PTSD.

Requires HHSC, not later than December 1, 2016, to submit a report containing the results of the study to the governor, lieutenant governor, and speaker of the House of Representatives. Requires that the report include the number of people served and the type of integrated care provided through the study.

Voluntary Veterans Employment Preference for Private Employers—H.B. 3547

by Representative Larson et al.—Senate Sponsor: Senator Campbell

Many employers in Texas are attempting to make full employment of veterans a priority. Although Texas' unemployment rates rank among the nation's lowest, public and private entities are eager to use more tools to employ veterans. As more veterans return home to Texas from overseas conflicts, many private businesses have indicated a desire to contribute to lowering the veteran unemployment rate and have shown interest in the possibility of adopting employment policies that favor veterans during the hiring and promotion processes. H.B. 3547 seeks to address this issue by prioritizing the hiring and promotion of veterans in Texas. This bill:

Authorizes a private employer to adopt a policy under which the employer may give a preference in employment decisions regarding hiring, promotion, or retention to a veteran over another qualified applicant or employee. Requires that a policy be in writing.

Requires a private employer to apply any policy adopted under this chapter reasonably and in good faith in employment decisions regarding hiring, promotion, or retention during a reduction in the employer's workforce.

Authorizes a private employer to require appropriate documentation from a veteran for the veteran to be eligible for the preference under a policy adopted under this chapter. Provides that granting a preference in accordance with a policy adopted under this chapter does not violate Chapter 21 (Employment Discrimination).

Voluntary Contribution to the Fund for Veterans' Assistance—H.B. 3710

by Representatives Blanco and Guillen—Senate Sponsor: Senator Rodríguez

The fund for veterans' assistance (fund) awards grants to nonprofit and local government organizations that provide certain services to Texas veterans and their families, including limited emergency assistance, transportation services, housing assistance, family and child services, and veterans courts services. However, the amount of funds needed continually exceeds the amount of funds available, leaving many worthy veterans unserved. This bill:

Authorizes a person applying for an original or renewal license to carry a concealed handgun to make a voluntary contribution in any amount to the fund.

Requires the Department of Public Safety of the State of Texas (DPS) to:

- include space on each application for such license that allows the applicant to indicate the amount that the person is voluntarily contributing to the fund;
- provide an opportunity for the person to contribute to the fund during the application process on the DPS Internet website; and
- send any contribution to the comptroller of public accounts for deposit to the credit of the fund not later than the 14th day of each month.

Authorizes DPS to deduct money equal to the amount of reasonable expenses for administering this Act.

Inclusion of Family Members in Veterans Court Program—H.B. 3729

by Representatives Farias and Guillen—Senate Sponsor: Senator Menéndez

The family unit is one of the most important aspects of an individual's support network. However, family members are often not sufficiently involved in the veterans court program. This bill:

Expands the essential characteristics of a veterans court program to include the inclusion of a participant's family members who agree to be involved in the treatment and services provided to the participant under the program.

Veterans Court Program Juror Reimbursements—H.B. 3996

by Representative Blanco—Senate Sponsor: Senator Uresti

Currently, when a person reports for jury duty, they may donate all or a specific amount of their daily reimbursement to four causes, which include: the Victims of Crime Fund; child welfare, child protective services, or a child services board; any program selected by commissioners court operated by a public or nonprofit organization that provides shelter for victims of family violence; and any program offering psychological counseling to jurors in criminal cases involving graphic evidence or testimony. H.B. 3996 seeks to add another option to allow individuals to donate all or a portion of the daily jury duty reimbursements to fund the Veterans Court Program, which is currently operating on grant funding. This bill:

Amends Section 61.003(a), Government Code, to add a veterans court program established by the commissioners court as provided by Chapter 124 (Veterans Court Program) to a list of certain programs each person who reports for jury service is required to be personally provided a form letter that when signed by the person directs the county treasurer to donate all, or a specific amount designated by the person, of the person's daily reimbursement.

VA Services for Incarcerated Veterans—H.C.R. 46

by Representatives Farias and Guillen—Senate Sponsor: Senator Rodríguez

The current United States Department of Veterans Affairs (VA) policy of suspending hospital and outpatient care services to incarcerated veterans is especially detrimental to those individuals in need of mental health care. Some of these men and women are committed to the state hospitals awaiting restoration of competency in order to stand trial, and the scarcity of timely access to services in these facilities can prolong their detention. Veterans suffer disproportionately from post-traumatic stress disorder, which is often worsened by incarceration and can lead to depression and suicidal thoughts and actions, and incarcerated veterans too often lack access to treatment for this condition. Improved coordination between the VA and state and local jurisdictions would enable eligible veterans to continue to receive mental health care and other VA services. VA reimbursement provided to secure mental health facilities for forensic beds and services would ensure better medical treatment for veterans and help alleviate the legal delays frequently experienced by incarcerated veterans with mental health issues. This resolution:

Urges the Congress of the United States to require the VA to provide VA services to veterans on forensic commitments at state hospitals, and consider expanding such services to all incarcerated veterans.

Requires that the Texas secretary of state forward official copies of this resolution to the president of the United States, the president of the Senate and the speaker of the House of Representatives of the United States Congress, and all the members of the Texas delegation to Congress with the request that this resolution be entered in the Congressional Record as a memorial to the Congress of the United States of America.

Monument Honoring Veterans of the Wars in Iraq and Afghanistan—H.C.R. 70

by Representative Flynn et al.—Senate Sponsor: Senator Larry Taylor

Combat operations have been ongoing for well over a decade in the Global War on Terror. Although the price to be paid was potentially high, Texas service members and their families have volunteered and accepted great risks. This resolution:

Authorizes the State Preservation Board, subject to state law and rules of the board, to approve and permit the construction of a monument at the state Capitol Complex, at a site outside the historic Capitol grounds, honoring Texans who served during the Global War on Terror as part of the United States armed forces.

Awarding the Texas Legislative Medal of Honor—H.C.R. 85

by Representative Wray et al.—Senate Sponsor: Senator Birdwell

The Texas Legislative Medal of Honor was established to recognize gallant and intrepid service by a member of the state or federal military forces. U.S. Navy Chief Petty Officer Chris Kyle, the most successful sniper in U.S. military history, proved himself a deserving recipient of this prestigious award.

Born in Odessa on April 8, 1974, Christopher Scott Kyle learned patience and marksmanship at an early age. His father bought him a rifle when he was eight, and he hunted on the family ranch for pheasant and deer. After high school, he worked as a ranch hand and a professional rodeo rider until he was injured.

Despite the pins in his arm from his rodeo injuries, he actively sought to serve his nation, and thanks to his grit and determination, he was accepted into the elite Navy SEALs unit in 1999.

Chief Petty Officer Kyle served four tours of duty in Iraq as a member of SEAL Team 3. He fought in every major battle of Operation Iraqi Freedom, including engagements in Ramadi, Fallujah, and Baghdad. Working in hot, dirty, and dangerous conditions, Chief Kyle put himself in harm's way on a daily basis, setting up his sniper's post in abandoned buildings, sometimes for as long as five weeks at a time, watching tirelessly through his scope for enemy combatants and, through his efforts, saving countless American lives.

Known by his peers as "the Legend" for his uncanny skill, Chief Kyle often successfully took long-range shots, and in Sadr City in 2008, after he spotted an insurgent approaching an army convoy with a rocket launcher, he shot the man from a distance of 2,100 yards, or 1.2 miles. Feared by the enemy as he was celebrated by his fellow Americans, Chief Kyle was nicknamed Al-Shaitan Ramadi, or "The Devil of Ramadi," by the insurgents, who put an $80,000 price on his head.

Chief Kyle regularly demonstrated conspicuous gallantry in the thick of combat. During the second battle for Fallujah in November 2004, two Marines and two journalists were trapped near a heavily fortified enemy position, and as the Marines around him provided covering fire, Chief Kyle dashed through enemy fire, joined the trapped men, and provided suppressing fire to enable them to escape. As he made his own escape, he discovered one of the Marines wounded in the road, and, with enemy rounds thudding all around him, he grabbed his wounded comrade by his body armor and dragged him 50 yards to safety then returned to the battle until the last enemy insurgent was killed.

Chief Kyle's bravery that day earned him one of his five Bronze Stars with Valor, and he also received two Silver Stars along with many other decorations. He was shot twice and survived six explosions, and by the time he left the navy to return to his family in Texas in 2009, he was credited with the highest number of confirmed kills in U.S. military history. This resolution:

Urges the governor of the State of Texas to posthumously award the Texas Legislative Medal of Honor to Christopher Scott Kyle in recognition of his valiant service during Operation Iraqi Freedom.

Totally Disabled Veteran Exemption From Ad Valorem Tax—H.J.R. 75

by Representative Dennis Bonnen et al.—Senate Sponsor: Senator Larry Taylor

Current tax law creates two classes of surviving spouses of veterans: one class whose spouse has died since 2009 and who does receive the homestead exemption and one class whose spouse died prior to 2009 and who does not receive the exemption. H.J.R. 75 provides that the homestead exemption can be applied to the surviving spouse of a veteran who died prior to 2009 and who would have qualified for the exemption. H.B. 992 (Dennis Bonnen; SP: Larry Taylor), 84th Legislature, Regular Session, 2015, is the enabling legislation. This resolution:

Provides that the surviving spouse of a disabled veteran who qualified for a homestead exemption when the disabled veteran died, or of a disabled veteran who would have qualified for an exemption had the effective date included the date the disabled veteran died, is entitled to an exemption from taxation of the total appraised value of the same property to which the disabled veteran's exemption applied, or to which

the disabled veteran's exemption would have applied if the exemption had been authorized on the date the disabled veteran died, if:

- the surviving spouse has not remarried since the death of the disabled veteran; and
- the property was the residence homestead of the surviving spouse when the disabled veteran died and remains the residence homestead of the surviving spouse.

Creates a temporary provision that applies to the constitutional amendment proposed by the 84th Legislature, Regular Session, 2015, that authorizes the legislature to exempt from ad valorem taxation all or part of the market value of the residence homestead of certain surviving spouses of 100 percent or totally disabled veterans.

Grant Support for Veterans Community Mental Health Programs—S.B. 55

by Senator Nelson et al.—House Sponsor: Representative Susan King

Texas leadership recently announced a pilot program to support veterans mental health projects around Texas. While there are several programs in Texas that provide assistance to veterans, the pilot program is unique because it includes 100 percent matching funds from the private sector to support community mental health programs for veterans. S.B. 55 provides for the establishment of a grant program to accomplish the same purposes. This bill:

Requires the Health and Human Services Commission (HHSC) to establish a grant program for the purpose of supporting community mental health programs providing services and treatment to veterans with mental illness, to the extent funds are appropriated to HHSC for that purpose.

Requires HHSC to contract with a private entity to support and administer the grant program and requires the contract to require that HHSC and the private entity each provide one-half of the money that will be awarded under the grant program; that the private entity develop eligibility criteria for grant applicants, acceptable uses of grant money by grant recipients, and reporting requirements for grant recipients; and that the private entity obtain HHSC approval of the developed eligibility criteria, acceptable uses, and reporting requirements before awarding any grants under the program.

Requires the executive commissioner of HHSC to adopt any rules necessary to implement the grant program.

Military Members Maintaining Waiting List Positions—S.B. 169

by Senator Uresti et al.—House Sponsor: Representative Susan King

A military member generally is removed from a waitlist for certain assistance programs if the member moves away from Texas, which prevents many members from receiving assistance from those programs. S.B. 169 seeks to facilitate a member's receipt of assistance that the member has rightfully earned through service in the military when the member temporarily resides out of Texas. This bill:

Requires the executive commissioner of the Health and Human Services Commission (executive commission; HHSC), by rule, to require HHSC or another health and human services agency to maintain the position of an applicable military member in the queue of an interest list or other waiting list for any

assistance program, including a federal Section 1915(c) waiver program, provided by HHSC or another health and human services agency, if the person cannot receive benefits under the assistance program because the person temporarily resides out of state as a result of military service, and to offer benefits to the person according to the person's position on the interest list or other waiting list that was attained while the person resided out of state if the person returns to reside in Texas.

Requires HHSC or the agency providing the benefits, if the person reaches a position on an interest list or other waiting list that would allow the person to receive benefits under an assistance program but the person cannot receive the benefits because the person temporarily resides out of state as the result of military service, to maintain the person's position on the list relative to other persons on the list but continue to offer benefits to other persons on the interest list or other waiting list in accordance with those persons' respective positions on the list. These requirements apply with respect to an applicable military member who has declared and maintains Texas as the member's state of legal residence in the manner provided by the applicable military branch, and to a spouse or dependent child of that member, and also to the spouse or dependent child of a former military member who had declared and maintained Texas as the member's state of legal residence in the manner provided by the applicable military branch and who was killed in action or died while in service.

Requires the executive commissioner, not later than December 1, 2015, to adopt rules necessary to implement the bill's provisions and, in adopting such rules, to limit the amount of time a person may maintain the person's position on the interest list or other waiting list to a maximum of one year after the date on which: the member's active duty ends, the member was killed if the member was killed in action, or the member died if the member died while in service.

Specialty License Plates for Recipients of Certain Military Medals—S.B. 193

by Senators Creighton and Fraser—House Sponsor: Representative Mary González

The Soldier's Medal is awarded to those members of the armed forces of the United States who, while serving in the United States Army, performed an act of heroism while not in conflict with an armed enemy. It is honored with a specialty license plate in other states, including Virginia and Iowa. The Navy and Marine Corps Medal is the second highest non-combat decoration for heroism in the United States Department of the Navy and requires that the act for which it is awarded involve a life-threatening risk; other states have a specialty license plate commemorating this medal, including Iowa. The Coast Guard Medal honors those who, while serving with the United States Coast Guard, performed an act of heroism in the face of great personal danger while not in conflict with an enemy; it is honored with a specialty license plate in other states, including Maryland. The Airman's Medal is awarded to those who, while serving with the United States Air Force, distinguished themselves heroically in a non-combat situation, and is recognized with a specialty license plate in Iowa and Maryland. This bill:

Requires the Texas Department of Motor Vehicles (TxDMV) to issue specialty license plates for recipients of the Soldier's Medal. Requires that these specialty license plates include the Soldier's Medal emblem and include the words "Soldier's Medal" at the bottom of each plate.

Requires TxDMV to issue specialty license plates for recipients of the Navy and Marine Corps Medal. Requires that these specialty license plates include the Navy and Marine Corps Medal emblem and include the words "Navy and Marine Corps Medal" at the bottom of each plate.

Requires TxDMV to issue specialty license plates for recipients of the Coast Guard Medal. Requires that these specialty license plates include the Coast Guard Medal emblem and include the words "Coast Guard Medal" at the bottom of each plate.

Requires TxDMV to issue specialty license plates for recipients of the Airman's Medal. Requires that these specialty license plates include the Airman's Medal emblem and include the words "Airman's Medal" at the bottom of each plate.

Texas Military Preparedness Commission Grant Amounts—S.B. 318
by Senator Hinojosa et al.—House Sponsor: Representative Susan King

The Defense Economic Adjustment Assistance Grant Program assists defense communities that are responding to or recovering from a reduction or termination of defense contracts, or that have been affected with new or expanded military missions, and endeavors to make military bases less susceptible to closure. S.B. 318 seeks to better ensure that Texas military communities have the resources to provide timely support for their military installations. This bill:

Amends the Government Code to raise from $2 million to $5 million the cap on grants awarded by the Texas Military Preparedness Commission to certain local governmental entities that may be affected by an action of the United States Department of Defense relating to defense worker jobs or facilities.

Military Occupational Specialty Codes for State Agency Employment—S.B. 389
by Senators Rodríguez and Menéndez—House Sponsor: Representative Blanco

In an effort to increase employment opportunities for veterans of the armed forces among others, the Texas Workforce Commission (TWC) serves as the central processing agency for certain job vacancies and placements with the state. Only a small percentage of state employees were veterans in 2014, and it is suggested that including in state job postings information about military experience applicable to the posted job might increase the number of veterans hired. S.B. 389 seeks to improve the opportunity to obtain a state job for veterans. This bill:

Requires the classification officer in the office of the state auditor, each state fiscal biennium, to research and identify the military occupational specialty code for each branch of the United States armed forces that corresponds to each position contained in the state's position classification plan and to report the officer's findings in the same manner as provided by the Position Classification Act for the officer's biennial report of certain salary rate study findings.

Authorizes the classification officer to request the assistance of the Texas Veterans Commission in performing a duty required by the bill's provisions and requires the commission to provide the requested assistance.

Requires a state agency to include on all forms and notices related to a state agency employment opening the military occupational specialty code for each branch of the United States armed forces identified by the classification officer that corresponds to the employment opening if the duties of the available position correlate with a military occupational specialty. Requires that a form prescribed by TWC for information

from state agencies necessary for the TWC to serve as a central processing agency for state agency job opportunities in Travis County include a space for a state agency to list a military occupational specialty code.

William B. Crooker Memorial Highway—S.B. 489
by Senator Seliger—House Sponsor: Representative Darby

William "Bill" Crooker served as a bombardier with the United States Army Air Corps during World War II. On December 6, 1944, his plane took heavy fire and was seized in northern Germany. He and his fellow airmen endured severe hardships until they were liberated on May 1, 1945. Upon returning to Big Spring, he was elected to serve as a Howard County commissioner for four decades. During his time in office, he gave generously of his time and numerous other talents, proving himself an exceptional civic leader and public servant. This bill:

Designates the portion of U.S. Highway 87 under construction as of September 1, 2015, as a relief route around Big Spring, between Interstate Highway 20 and Ranch Road 33, in Howard County as the William B. Crooker Memorial Highway, notwithstanding Section 225.001(c) (relating to the designation of parts of the highway system by the name of a person under certain conditions), Transportation Code.

Requires the Texas Department of Transportation (TxDOT), subject to a grant or donation of funds, to design and construct markers indicating the designation as the William B. Crooker Memorial Highway and any other appropriate information, and to erect a marker at each end of the highway and at appropriate intermediate sites along the highway.

Requires TxDOT to comply with Section 225.102 (William B. Crooker Memorial Highway), Transportation Code, after the construction of the portion of U.S. Highway 87 designated as the William B. Crooker Memorial Highway is complete.

Veteran Entrepreneur Program Regional Coordinators—S.B. 660
by Senator Rodríguez et al.—House Sponsor: Representative Blanco

The purpose of the Veteran Entrepreneur Program is to foster and promote veteran entrepreneurship throughout Texas. Reports indicate that since the program's creation, the program has provided services to more than 2,000 aspiring veteran entrepreneurs. Observers note that the Texas Veterans Commission intends to implement the program in phases. S.B. 660 seeks to revise the law relating to the program in an effort to allow for the continued phased implementation of the program. This bill:

Requires the Veteran Entrepreneur Program to establish regional coordinators in major centers of economic growth to provide the program's services. Requires that the program consult with the United States Department of Veterans Affairs and the united States Small Business Administration in developing procedures under statutory provisions relating to the Veteran Entrepreneur Program to ensure that the program's services do not duplicate services provided through those federal entities.

Stolen Valor Act—S.B. 664

by Senator Van Taylor et al.—House Sponsor: Representative Sheets

In 2011, in response to concerns that individuals were manufacturing fraudulent military records for the purpose of securing preference, admission, or other benefits reserved for persons with military service, the legislature criminalized false claims of military service. Under the 2011 act, a person commits an offense if they claim a military record that they know to be fraudulent or fictitious for the purpose of promoting a business or otherwise securing a benefit or preference reserved for veterans under state law. A violation is a Class C misdemeanor, punishable by a fine not to exceed $500. While the 2011 act created an offense and penalty for use of a fraudulent or fictitious military record, state law remains silent with regard to the disposition of jobs and employment contracts secured through the use of a falsified military record. An individual may be found guilty of having used a falsified military record, but may still retain their job secured through the use of that record. This bill:

Authorizes an employer to discharge an employee, regardless of whether the employee is employed under an employment contract with the employer, if the employer determines, based on a reasonable factual basis, that the employee, in obtaining the employee's employment or any benefit relating to the employee's employment, falsified or otherwise misrepresented any information regarding the employee's military record in a manner that would constitute an offense under Section 32.54 (Fraudulent or Fictitious Military Record), Penal Code. Provides that an employment contract entered into by an employer with an employee discharged by the employer under this section is void and unenforceable as against public policy.

Authorizes an employee who was employed by an employer under an employment contract on the date of the employee's termination and who believes the employee was wrongfully terminated under this Act to bring suit against the employer in a district court in the county in which the termination occurred for appropriate relief, including rehiring or reinstatement to the employee's previous job, payment of back wages, and reestablishment of employee benefits to which the employee otherwise would have been eligible if the employee had not been terminated.

Military Veterans' Full Employment Act—S.B. 805

by Senator Campbell et al.—House Sponsor: Representatives Raney and Guillen

The percentage of state employees who are also veterans is too low in comparison with the percentage of the federal workforce that includes veterans. S.B. 805 seeks to address this issue. This bill:

Provides that this Act may be cited as the Military Veterans' Full Employment Act.

Removes eligibility conditions for a veteran's employment preference that the veteran is competent, has served in the military for a minimum of 90 consecutive days during a national emergency or was discharged from military service for an established service-connected disability, and was honorably discharged from military service. Removes eligibility conditions of a veteran's surviving spouse or orphan for a veteran's employment preference that the veteran served in the military for a minimum of 90 consecutive days during a national emergency and that the spouse or orphan is competent.

Redefines the term "veteran" used for purposes of statutory provisions governing a veteran's employment preference to a definition that includes a person who has served in the Texas military forces, in addition to persons who have served in the U.S. armed forces.

Removes a statutory provision entitling an individual who qualifies for a veteran's employment preference with or appointment to a public entity or for a public work of the state and instead entitles such an individual to a preference in employment with or appointment to a state agency. Defines "state agency" for this purpose as a board, commission, council, committee, department, office, agency, or other governmental entity in the executive, legislative, or judicial branch of state government, including an institution of higher education. Removes the application of statutory provisions governing such employment preferences to a public entity or public work, including provisions establishing certain requirements relating to investigating applicants, reporting to the comptroller of public accounts, listing open positions with the Texas Workforce Commission (TWC), and responding to complaints. The Act applies those provisions to a state agency. Removes a statutory provision providing for complaints about a decision relating to a veteran's employment preference to be filed with the governing body of the public entity or public work and instead provides for those complaints to be filed with the executive director of the state agency.

Removes statutory language restricting the positions in which a veteran with a disability is entitled to a preference for employment or appointment over all other applicants who are not veterans with a service-connected disability and who do not have a greater qualification to positions for which a competitive examination is not held and instead requires a state agency to provide to an individual entitled to a veteran's employment preference for employment or appointment over other applicants for the same position who do not have a greater qualification a veteran's employment preference, in the following order of priority: a veteran with a disability, a veteran, a veteran's surviving spouse who has not remarried, and an orphan of a veteran if the veteran was killed while on active duty. Removes a statutory provision establishing that a veteran's employment preference does not apply to the position of private secretary or deputy of an official or department or to a person holding a strictly confidential relation to the appointing or employing officer.

Removes the requirement that an individual whose duty is to appoint or employ individuals for a public entity or public work of the state give preference in hiring to individuals entitled to a veteran's employment preference so that at least 40 percent of the employees of the public entity or public work are selected from individuals given that preference.

Requires each state agency to establish a goal of hiring, in full-time positions at the agency, a number of veterans equal to at least 20 percent of the total number of employees of the agency and authorizes an agency to establish a veteran employment goal greater than that percentage. The bill removes the requirement that a public entity or public work, when possible, give 10 percent of the veteran's employment preferences to qualified veterans discharged from the U.S. armed services within the preceding 18 months.

Removes a statutory provision that exempts a public entity or public work that has at least 40 percent of its employees who are entitled to a veteran's employment preference from the requirements to investigate the qualifications of an applicant who is entitled to a veteran's employment preference and to employ the applicant if the applicant meets certain criteria.

Authorizes a state agency to designate an open position as a veteran's position and only accept applications for that position from individuals who are entitled to a veteran's employment preference.

Authorizes an agency to hire or appoint for an open position within the agency an individual entitled to a veteran's employment preference without announcing or advertising the position if the agency uses the automated labor exchange system administered by the TWC to identify an individual who qualifies for a veteran's employment preference and if the agency determines that the individual meets the qualifications required for the position.

Requires each state agency that has at least 500 full-time equivalent positions to designate an individual from the agency to serve as a veteran's liaison and authorizes an agency that has fewer than 500 full-time equivalent positions to make such a designation. Requires each state agency that designates a veteran's liaison to make available on the agency's website the liaison's individual work contact information. Requires a state agency, for each announced open position at the agency, to interview at least one individual qualified for a veteran's employment preference if the total number of individuals interviewed for the position is six or fewer or a number of individuals qualified for a veteran's employment preference equal to at least 20 percent of the total number interviewed for the position if the total number of individuals interviewed for the position is more than six.

Removes a requirement for an officer or the chief executive of a public entity or public work of the state or an individual whose duty is to appoint or employ an applicant for a position with a public entity or public work of the state, as applicable, to appoint or employ an applicant entitled to a veteran's employment preference if the applicant is of good moral character and can perform the duties of the position. Specifies that the statutory provision entitling an individual who is entitled to a veteran's hiring preference in retaining employment if the agency that employs the individual reduces its workforce also applies to an individual entitled to an appointment preference if the state agency that appoints the individual reduces its workforce.

Requires the comptroller to make each quarterly report filed by a state agency with regard to veteran employment preferences available to the public on the comptroller's website. Revises the requirement that the report state the percentage of the total number of employees hired by the agency during the reporting period who are persons entitled to a veteran's employment preference by providing for the inclusion in that percentage of appointed employees who meet such criteria. Establishes a deadline of not later than December 1 of each year for the comptroller's annual report to the legislature that compiles and analyzes information the comptroller receives from state agencies in such quarterly reports.

Provides for the inclusion of a decision of a state agency relating to appointing an individual entitled to a veteran's employment preference among the employment decisions relating to such a preference that may be appealed by filing a written complaint with the executive director of the state agency.

Authorizes a private employer to adopt a policy under which the employer may give a preference in employment decisions regarding hiring, promotion, or retention to a veteran, defined by the bill as an individual who has served on active duty in the armed forces of the United States and was honorably discharged from military service, over another qualified applicant or employee. Requires such a policy to be in writing and requires an employer to apply the policy reasonably and in good faith in employment decisions regarding hiring, promotion, or retention during a reduction in the employer's workforce. Authorizes an employer to require appropriate documentation from a veteran for the veteran to be eligible for the preference under such a policy. Establishes that granting a preference in accordance with a policy adopted under the bill's provisions does not violate statutory provisions relating to employment discrimination.

College Credit for Heroes Program—S.B. 806

by Senator Campbell et al.—House Sponsor: Representative Susan King

The College Credit for Heroes program helps veterans expedite paths to a college degree, professional certification, or both. It is suggested that the legislature and the governor should be kept abreast of the program's results and certain related information. S.B. 806 seeks to provide for the reporting of that information. This bill:

Requires the Texas Workforce Commission, not later than November 1 of each year and after consultation with the Texas Higher Education Coordinating Board, to report to the legislature and to the governor on: the results of any grants awarded under the College Credit for Heroes program; the best practices for veterans and military servicemembers to achieve maximum academic or workforce education credit at institutions of higher education for military experience, education, and training obtained during military service; measures needed to facilitate the award of academic or workforce education credit by institutions of higher education for military experience, education, and training obtained during military service; and other related measures needed to facilitate the entry of trained, qualified veterans and military servicemembers into the workforce.

Occupational License Application and Examination Fees—S.B. 807

by Senator Campbell et al.—House Sponsor: Representative Sheets

Certain military service, training, or education may be used toward requirements for occupational licensing, but military experience substantially similar to the occupation does not satisfy examination requirements for such licenses. Additionally, service members and veterans are not exempted from license and examination fees. In the case of service members or veterans who have a substantially equivalent certification from the military, the examination process is redundant, unduly burdensome, and often hinders reentry into the workforce for a military service member or veteran. S.B. 807 seeks to provide military service members and veterans a smoother reentrance to the workforce. This bill:

Requires a state agency that issues an occupational license to waive the license application and examination fees paid to the state for an applicant who is a military service member or military veteran whose military service, training, or education substantially meets all of the requirements for the license or who is a military service member, military veteran, or military spouse who holds a current license issued by another jurisdiction that has licensing requirements that are substantially equivalent to the requirements for the license in Texas.

Texas Coordinating Council Workgroups for Veterans Services—S.B. 832

by Senator Campbell et al.—House Sponsor: Representative Susan King

The Texas Legislature established the Texas Coordinating Council for Veterans Services to coordinate the activities of state agencies that assist veterans, servicemembers, and their families. The council facilitates collaborative relationships and coordinates outreach efforts to ensure that veterans, servicemembers, and their families are made aware of available services. Current law provides for the establishment by the council of coordinating workgroups. Among those workgroups, there is one that focuses on health and mental health, and having a distinct workgroup for each of those issues would more effectively coordinate

outreach efforts for both issues, particularly mental health issues. S.B. 832 provides for the establishment of those separate workgroups.

Provides that the Texas Coordinating Council for Veterans Services may, by majority vote, establish coordinating workgroups to focus on specific issues affecting veterans, servicemembers, and their families.

Residence Homestead Exemption for Military Members—S.B. 833

by Senator Campbell et al.—House Sponsor: Representative Susan King et al.

Texas property owners who are temporarily absent from the state because of military service outside of the United States are allowed to retain their homestead exemptions. Texas property owners absent from the state because of military service inside the United States also deserve to retain their homestead exemptions. S.B. 833 seeks to close a gap in the homestead exemption for Texas military families who are stationed outside of Texas, but not outside of the country. This bill:

Amends the Tax Code to expand the circumstances under which a qualified residential structure continues its designation as a residence homestead for the purposes of a residence homestead property tax exemption when the owner who qualifies for the exemption temporarily stops occupying it as a principal residence due to an absence caused by the owner's military service as a member of the armed forces of the United States or Texas to include the circumstance of such military service inside of the United States.

Increased Punishment for Fraudulent or Fictitious Military Record—S.B. 835

by Senator Van Taylor et al.—House Sponsor: Representative Sheets

Recent legislation revised federal law relating to offenses involving fraudulent claims of military service. Interested parties contend that there is a need to update Texas law similarly criminalizing certain such claims to reflect the higher penalties in federal law. S.B. 835 seeks to make this update. This bill:

Amends the Penal Code to increase the penalty for the offense of fraudulent or fictitious military record from a Class C misdemeanor to a Class B misdemeanor.

Conduct of a Service Member of the Texas Military Forces—S.B. 850

by Senator Van Taylor et al.—House Sponsor: Representative Flynn

Certain events during the state's recent border security operation have brought to light statutory ambiguity over whether public duty justification for the use of force applies to members of the Texas military forces who are deployed on state-sponsored operations. The extent to which Texas military personnel deployed by the state are authorized to use force appears to be currently limited to self-defense. While a member of the Texas military forces deployed on a federal operation is protected from liability for the justified use of force under federal law, state military personnel may be vulnerable to lawsuits while deployed on a state-sponsored operation. S.B. 850 seeks to enable members of the Texas military forces to effectively protect the border regardless of which level of government deploys them. This bill:

Amends the Government Code to make Penal Code provisions establishing a justification for certain conduct of an actor who reasonably believes the conduct is required or authorized by law, by the judgment or order of a competent court or other governmental tribunal, or in the execution of legal process applicable to the conduct of a service member of the Texas military forces ordered into service of the state by proper authority that is performed in the service member's official capacity.

Veterans Organization Ad Valorem Tax Exemption—S.B. 918

by Senator Nichols—House Sponsor: Representative Otto

Veterans organizations exemptions listed under Section 11.23(a) (Veterans Organizations), Tax Code, currently require an annual application for property tax exemption. These organizations not only support and provide camaraderie for veterans and those currently serving in the military, but they also assist veterans widows, orphans, and the dependents of needy and disabled veterans, as well as promote Americanism by means of education in patriotism and by service to their local communities. Most of these miscellaneous exemptions require an annual application. The annual application for veterans organizations can be an unnecessary hardship on these organizations, whose executive board typically changes annually. This bill:

Amends Section 11.43(c), Tax Code, to allow veterans organizations to be exempt from reapplying for ad valorem tax exemptions in subsequent years after the initial exemption is granted. Provides that the exemption applies to the property until it changes ownership or the person's qualification for the exemption changes.

Designation of February 19 as Iwo Jima Day—S.B. 961

by Senator Rodríguez et al.—House Sponsor: Representative Guillen

The Battle of Iwo Jima was one of the bloodiest battles of World War II, lasting over a month and costing the lives of thousands of Americans. There is not currently an official state holiday that recognizes the heroism of the Americans who fought at Iwo Jima. S.B. 961 seeks to honor the memory of the courageous men and women of the U.S. armed forces who participated in the successful capture of the island of Iwo Jima. This bill:

Establishes February 19 as Iwo Jima Day in memory of the heroism and courage of the men and women of the U.S. armed forces who participated in the successful capture of the island of Iwo Jima beginning February 19, 1945. Authorizes the regular observance of Iwo Jima Day through appropriate activities in public schools and other places.

Franchise Tax Exemptions for Veteran-Owned Businesses—S.B. 1049

by Senators Campbell and Zaffirini—House Sponsor: Representative Sheets et al.

The franchise tax is levied on adjusted gross receipts, and under current law, a range of enterprises are exempt from the tax, including charities, homeowners associations, educational organizations, and religious organizations. The exemptions are total and permanent, resulting in a qualifying entity owing no franchise tax to the state. There are no current franchise tax exemptions or deductions related to veterans. S.B.

1049 amends the Tax Code to exempt a veteran-owned business from the franchise tax during the first five years of operation in order to encourage and support entrepreneurship among Texas veterans. This bill:

Redefines "beginning date."

Adds Section 171.005 (Definition of New Veteran-Owned Business), Tax Code, to set forth the conditions for a taxable entity to be considered a new veteran-owned business.

Exempts new veteran-owned businesses from the franchise tax as imposed under Chapter 171 (Franchise Tax), Tax Code, under the conditions set forth.

Authorizes the comptroller to require a new veteran-owned business to file an information report stating the taxable entity's beginning date and any other information the comptroller determines necessary.

Requires the secretary of state under Section 12.005 (Fee Waiver for New Veteran-owned Businesses), Business Organizations Code, to waive all fees imposed under Chapter 4, Business Organization Code, for a new veteran-owned business under certain conditions set forth.

Women Veterans Mental Health Initiative—S.B. 1304

by Senator Menéndez et al.—House Sponsor: Representative Minjarez

Texas is home to a large population of women veterans, many of whom face a host of challenges that often relate to mental health concerns. Many women veterans face unique mental health concerns from military sexual trauma to consolidating dual roles as soldiers and family caregivers. Creating a women veterans mental health initiative within the existing mental health intervention program for veterans would be instrumental in easing the transition from military to civilian life. S.B. 1304 seeks to strengthen the options for women veterans faced with mental health issues. This bill:

Requires the Department of State Health Services to develop a women veterans mental health initiative as part of the mental health intervention program for veterans.

Rural Veterans Mental Health Initiative—S.B. 1305

by Senator Menéndez et al.—House Sponsor: Representative Minjarez

Statistics have shown that of Texas' sizeable population of veterans, approximately 30 percent live in rural areas that have limited or no access to mental health services. Veterans in these areas have been historically underserved in this capacity and it is important that these veterans not be forgotten or ignored. S.B. 1305 seeks to address the shortage of mental health care for veterans in rural areas of Texas. This bill:

Requires the Department of State Health Services to develop a rural veterans mental health initiative as part of the mental health intervention program for veterans.

Occupational Licenses for Military Service Members—S.B. 1307

by Senator Menéndez et al.—House Sponsor: Representative Susan King

Various changes to statutes intended to assist military service members, military veterans, and military spouses in obtaining or renewing an occupational license have resulted in confusion over who is eligible for alternative licensing requirements and confusion regarding the amount of time a service member called to active duty has to renew an occupational license. S.B. 1307 seeks to clarify the law in this regard and avoid this unnecessary confusion. This bill:

Revises certain definitions for purposes of provisions applicable to the occupational licensing of military service members, military veterans, and military spouses. Defines "active duty" to mean current full-time military service in the United States armed forces, active duty military service as a member of the Texas military forces, or similar military service of another state; defines "armed forces of the United States" to mean the army, navy, air force, coast guard, or marine corps of the United States or a reserve unit of one of those branches; redefines "military service member" to mean a person who is on such active duty; redefines "military spouse" to mean a person who is married to such a military service member; and redefines "military veteran" to mean a person who has served on such active duty and who was discharged or released from such active duty.

Exempts from any increased fee or other penalty imposed by a state agency for failure to timely renew an occupational license an individual who failed to timely renew an occupational license because the individual was serving as a military service member in the Texas military forces or a similar military service of another state. Removes the specification that the active duty service that triggers the exemption is service outside Texas.

Revises the provision entitling a member of the Texas military forces or of a reserve component of the U.S. armed forces ordered to active duty to an extension of the deadline for completing continuing education requirements and any other renewal requirement for an occupational license and applies the revised entitlement to all military service members. Removes from this provision the total number of years or parts of years the person serves on active duty as the basis for determining the extension period and instead entitles all such military service members to two years of additional time for the completion of such requirements.

Applies the requirement that a state agency adopt rules for alternative licensing procedures for an applicant who is a military spouse who qualifies for such procedures also to an applicant who is a military service member or a military veteran who qualifies for such procedures. Removes the specification from such qualifications that the applicant, within the five years preceding the application date, held a license in Texas that expired while the applicant lived in another state for at least six months. Replaces the requirement that such rules for alternative licensing procedures include provisions allowing alternative demonstrations of competency for licensing with an authorization for a state agency to adopt rules that would establish alternate methods for a demonstration of competency. Authorizes the executive director of a state agency to waive any prerequisite to obtaining a license for an applicant who is a military service member, military veteran, or military spouse after reviewing the applicant's credentials and removes a provision authorizing the executive director to issue a license to a military spouse by endorsement under statutory provisions relating to the issuance of a license to an applicant who holds a license issued by another jurisdiction that has substantially equivalent licensing requirements as the state or with which the state has a reciprocity agreement.

Requires a state agency that issues an occupational license to prominently post a notice on the home page of the agency's website describing the alternative licensing procedures and requirements and related provisions that are available to military service members, military veterans, and military spouses under applicable state law.

Provides that this Act applies only to an application for an occupational license or renewal of an occupational license filed on or after January 1, 2016.

Information Provided to Veterans by DPS—S.B. 1308

by Senator Menéndez—House Sponsor: Representative Susan King

For the last several years, Texas has been working on creating and improving veteran support services. Unfortunately, many veterans are unaware of these programs and services. This bill:

Requires the Department of Public Safety of the State of Texas (DPS) and the Texas Veterans Commission (commission) to jointly develop for veterans who receive a driver's license (DL) or personal identification certificate with a veteran's designation a one-page informational paper about veterans services provided by the State of Texas.

Requires DPS to provide to the recipient of a DL or personal identification certificate with a veteran's designation the informational paper described by Section 521.011 (Services Information for Veterans), Transportation Code, at the time the DL or certificate is issued.

Strategic Planning Regarding Military Bases and Defense Installations—S.B. 1358

by Senator Campbell—House Sponsor: Representative Susan King

Military installations in Texas have an annual economic impact of approximately $150 billion and this impact is significant in emphasizing the importance of the role of the Texas Military Preparedness Commission (TMPC) in an upcoming Defense Base Closure and Realignment Commission study. TMPC is an office within the Texas Economic Development and Tourism Office (TEDTO) in the office of the governor, and TMPC could maximize its assistance to the military community if it were more independent. S.B. 1358 seeks to enhance the ability of the commission to focus on assisting in the economic development, preservation, and growth of Texas' defense communities. This bill:

Attaches TMPC to the office of the governor for administrative purposes and removes the requirement that TMPC report to the executive director of TEDTO. Requires the director of TMPC to hire at least one full-time employee who is knowledgeable about or has experience with military installations and authorizes the director to hire other staff within the guidelines established by the commission. Removes the requirement that the governor determine the staff for TMPC. Entitles a member of the military base realignment and closure task force to reimbursement for travel expenses and establishes that the task force is abolished and the statutory provisions governing the task force expire on September 1, 2019.

Transfers from TEDTO to TMPC certain functions relating to the provision of loans for defense community projects and also transfers from TEDTO to TMPC the express authority to assist local governmental entities in obtaining certain defense-related grants made by the commission, and raises the cap on those grants

from $2 million to $5 million. Transfers rulemaking authority relating to defense community loans from TEDTO to TMPC and establishes that a rule, policy, procedure, or decision of TEDTO with respect to functions that are transferred to TMPC under the Act's provisions continues in effect as a rule, policy, procedure, or decision of TMPC until superseded by an act of TMPC. Requires TMPC to assist defense communities, in addition to TEDTO's statutorily required assistance, in obtaining financing for economic development projects that seek to address future realignment or closure of a defense base that is in, adjacent to, or near the defense community.

Improving Delivery of Health Care Service to Veterans—S.B. 1463

by Senator Lucio et al.—House Sponsor: Representatives Lucio III and Muñoz, Jr.

Despite the fact that the Rio Grande Valley region is home to nearly 100,000 veterans, the region has some of the worst wait times for veteran health care services. Veterans often must travel over 200 miles to San Antonio to the closest United States Department of Veterans Affairs (VA) hospital for specialty care. The University of Texas Rio Grande Valley (UTRGV) recently established a medical school in the region and a hospital equipped with state-of-the-art technology. These resources can be leveraged to lay the foundation for a robust veterans hospital that can meet the complex needs of veterans. S.B. 1463 seeks to provide a means of conveniently and more efficiently delivering health care services to veterans. This bill:

Authorizes the governor or the governor's designee to negotiate with the VA and any other appropriate federal agency on matters relating to improving the delivery of health care services to veterans in Texas, including establishing a veterans hospital in the Rio Grande Valley region and ensuring the prompt payment of claims submitted by community health care providers to the VA for health care services provided to veterans by those providers.

Authorizes the governor, in consultation with the board of regents of The University of Texas System, to identify shared resources and collaborative opportunities that may be used by the School of Medicine at UTRGV and the VA to provide quality health care services to residents of the Rio Grande Valley.

Authorizes the governor to request the assistance of the Department of State Health Services (DSHS), the Health and Human Services Commission (HHSC), the Texas Veterans Commission (TVC), or any other state agency, department, or office in performing an action under the bill's provisions relating to veterans health issues and requires the agency, department, or office to provide the requested assistance.

Requires that TVC and DSHS work with the VA and any other appropriate federal agency to propose that the federal government establish a veterans hospital in the Rio Grande Valley region, and that the effort be performed in collaboration with the office of the governor.

Eligibility for Participation in Veterans Court Programs—S.B. 1474

by Senator Garcia et al.—House Sponsor: Representative Farias

More than 1.6 million veterans live in Texas. Some veterans have difficulty transitioning from military service to everyday life and suffer from conditions such as addiction and post-traumatic stress disorder. These ailments may lead to unemployment, homelessness, and criminal convictions. Since 2009, Texas has led the nation in creating specialized veterans courts. These special court dockets provide structured

treatment and accountability for veterans in an effort to keep them out of the criminal justice system. There are currently 20 veterans courts in the state. Under current statute, only veterans who have served in a combat zone or other similar hazardous duty area are eligible to participate in a veterans court. Some veterans, although they have not seen actual combat, may experience other traumas as part of their service, such as a shooting or sexual assault, but under current statute would be ineligible to enter a veterans court treatment program. This bill:

Changes the name of the Veterans Court Program to the Veterans Treatment Court Program throughout the statutes.

Expands the program to include a veteran or current member of the United States armed forces who was a victim of military sexual trauma.

Strikes the requirement that the brain injury, mental illness, mental disorder, or trauma resulted from the defendant's military service in a combat zone or other similar hazardous duty area.

Provides that the condition must have affected, rather than materially affected, the defendant's criminal conduct at issue in the case.

Expands the program to include a defendant whose participation in a veterans treatment court program, considering the circumstances of the defendant's conduct, personal and social background, and criminal history, is likely to achieve the objective of ensuring public safety through rehabilitation of the veteran.

Authorizes a veterans treatment court program to allow a participant to comply with the participant's court-ordered individualized treatment plan or to fulfill certain other court obligations through the use of videoconferencing software or other Internet-based communications.

Authorizes a veterans treatment court program that accepts placement of a defendant to transfer responsibility for supervising the defendant's participation in the program to another veterans treatment court program that is located in the county where the defendant works or resides.

Provides that the defendant's supervision may be transferred only with the consent of both veterans treatment court programs and the defendant.

Requires a defendant who consents to the transfer of the defendant's supervision to agree to abide by all rules, requirements, and instructions of the veterans treatment court program that accepts the transfer.

Requires the veterans treatment court program supervising the defendant, if a defendant whose supervision is transferred does not successfully complete the program, to return the responsibility for the defendant's supervision to the veterans treatment court program that initiated the transfer.

Authorizes a court in which the criminal case is pending, if a defendant is charged with an offense in a county that does not operate a veterans treatment court program, to place the defendant in a veterans treatment court program located in the county where the defendant works or resides, provided that a program is operated in that county and the defendant agrees to the placement.

Requires such defendant to agree to abide by all rules, requirements, and instructions of the program.

Study on Homeless Veterans—S.B. 1580

by Senators Garcia and Menéndez—House Sponsor: Representatives Sylvester Turner and Peña

Despite the fact that Texas has one of the most vibrant economies in the nation, Texas also has the third highest homeless veteran population in the United States, with estimates of more than 2,500 veterans experiencing homelessness on any given night in 2014. The number of homeless veterans raises concerns among observers who note that homeless individuals frequently are exposed to a barrage of stressful and traumatic experiences that have profound effects on a person's ability to cope, develop, and learn and that such vulnerable individuals tend to exhibit high rates of mental illness, chronic health problems, and other negative conditions that can be correlated with an unstable and dangerous living environment. A study to examine homelessness would begin a process for the state to address this problem and allow for all Texans to prosper. S.B. 1580 seeks to provide for a more accurate depiction of the challenges that people experiencing homelessness face and possibly more viable solutions for homeless veterans. This bill:

Requires the Texas Department of Housing and Community Affairs (TDHCA), in conjunction with other members of the Texas Interagency Council for the Homeless, to conduct a study and prepare a report on homeless veterans.

Defines "homeless veteran" for the purposes of the study and requires the report to include a summary of the information resulting from the study and recommendations for changes in law necessary to provide services to or otherwise assist homeless veterans.

Requires TDHCA, in preparing the report, to compile existing data on the number of homeless veterans in Texas, to summarize existing studies regarding the needs of homeless veterans and identify the degree to which current programs are meeting those needs, to identify existing sources of funding available to members of the Texas Interagency Council for the Homeless to provide housing and services to homeless veterans, and to develop recommendations for reducing veteran homelessness in Texas. Requires TDHCA to submit the report to the legislature not later than December 1, 2016.

Provides that the Act's provisions expire September 1, 2017.

World War II Veterans 349th Regt. 88th Inf. Div. Memorial Highway—S.B. 1737

by Senator Hinojosa—House Sponsor: Representatives Guerra and Muñoz, Jr.

The men of the 349th Regiment of the 88th Infantry suffered over 2,400 casualties and listed over 1,000 soldiers as missing in action in their triumphant efforts to liberate Rome, Italy, for the allied forces in World War II. This bill:

Designates the portion of State Highway 83 in Hidalgo County between its intersection with North Inspiration Road and its intersection with South Stewart Road as the World War II Veterans 349th Regt. 88th Inf. Div. Memorial Highway.

Requires the Texas Department of Transportation, subject to a grant or donation of funds, to design and construct markers indicating the designation as the World War II Veterans 349th Regt. 88th Inf. Div.

Memorial Highway and any other appropriate information, and to erect a marker at each end of the highway and at appropriate intermediate sites along the highway.

Study and Report on the Awarding of the Texas Legislative Medal of Honor—S.B. 1824
by Senators Campbell and Uresti—House Sponsor: Representative Susan King

The Texas Legislative Medal of Honor is the highest honor awarded by the state to military service members in Texas. A study regarding the nomination and selection process for recipients of the medal would be beneficial for the preservation of the prestige associated with the medal. S.B. 1824 seeks to ensure that the medal maintains its prestige. This bill:

Requires the standing committees of both houses of the legislature with primary jurisdiction over military and veterans affairs to conduct a joint study on the nomination and selection process for the award of the Texas Legislative Medal of Honor.

Requires that the study: evaluate the military tradition for a medal of honor and methods to ensure that the Texas Legislative Medal of Honor upholds that military tradition; evaluate how a service member is nominated and methods to ensure that the service member is nominated based only on the merit of the service performed by the service member; and consider a process by which the adjutant general may evaluate the qualifications of nominees for the Texas Legislative Medal of Honor.

Requires the standing committees of both houses of the legislature with primary jurisdiction over military and veterans affairs, not later than December 1, 2016, to jointly submit to the governor, the lieutenant governor, and the legislature a written report that summarizes the findings of the joint study.

Specialist Dane Balcon Memorial Bridge—S.B. 1831
by Senator Menéndez—House Sponsor: Representative Minjarez

Specialist Dane Balcon passed away on September 5, 2007, in Balad, Iraq, in support of Operation Iraqi Freedom. Specialist Balcon died of injuries sustained when an improvised explosive device detonated near his vehicle.

His path to the military began at Sand Creek High School in 2002, where he joined the Army ROTC program. The staff and students at Sand Creek High School remembered Dane as an outstanding person and someone who had an absolute love for the military and serving his country. In 2007, immediately following graduation, Dane enlisted in the Army. He deployed to Balad, Iraq on July 7, 2007, with the 3rd Squadron, 8th Cavalry Regiment, 1st Calvary Division from Fort Hood, Texas.

Specialist Balcon was a remarkable soldier and a devoted son who honorably served the nation he loved. This bill:

Designates the State Highway 151 bridge at Westover Hills in Bexar County as the Specialist Dane Balcon Memorial Bridge.

Requires the Texas Department of Transportation, subject to a grant or donation of funds, to design and construct markers indicating the designation as the Specialist Dane Balcon Memorial Bridge and any other appropriate information, and to erect a marker at each end of the highway and at appropriate intermediate sites along the highway.

Allocation of Certain Grants from the Fund for Veterans' Assistance—S.B. 1879

by Senators Zaffirini and Campbell—House Sponsor: Representative Farias

The purpose of the fund for veterans' assistance is to provide grants to local governments and nonprofit organizations to enhance or improve veterans' assistance programs. The Texas Veterans Commission (TVC) awards grants on a competitive basis to local governments and nonprofit organizations; however, TVC is not required to perform a needs-based assessment before awarding the grants. A needs-based assessment would allow TVC to direct its limited resources to veterans with high-priority needs. S.B. 1879 seeks to help prioritize the granting of funds to entities assisting those veterans. This bill:

Requires TVC, every four years, to conduct a needs assessment to identify the specific high-priority needs of veterans and the services available to address those needs, to determine the grant categories that correspond to the identified needs, and to identify any discrepancy between the identified needs and the services available to address those needs.

Requires TVC, on completion of the needs assessment and other determinations, to incorporate the results of the assessment and determinations into its process for awarding grants from the fund for veterans' assistance.

Requires TVC, not later than June 1, 2016, to conduct the initial needs assessment, make determinations, and to incorporate the results of the assessment and determinations.

Awarding of the Texas Legislative Medal of Honor—S.C.R. 26

by Senators Fraser and Campbell—House Sponsor: Representative Susan King

The Texas Legislative Medal of Honor was established to recognize gallant and intrepid service by a member of the state or federal military forces, and Lieutenant Colonel Ed Dyess, a highly decorated aviator and warrior called "the One-Man Scourge of the Japanese" during World War II due to his remarkable adaptive ability to fight a relentless, ruthless enemy in the Pacific Theater as a combat pilot, infantry commander, prisoner of war, and guerrilla, would be a fitting recipient of this prestigious award.

Born in Albany, Shackelford County, on August 9, 1916, William Edwin Dyess exhibited natural leadership skills as the student body president at Albany High School and as the class president and commander of the R.O.T.C. detachment at John Tarleton Agricultural College. Dyess was a distinguished graduate of the flight schools at Randolph Field, known as "the West Point of the Air," and Kelly Field in San Antonio. Dyess was appointed commanding officer of the 21st Pursuit Squadron and deployed to the Philippine Islands in 1941, where he would become one of the first Americans to engage the enemy in World War II.

During the early phase of the Pacific War, First Lieutenant Dyess shot down six enemy planes, actions that would have classified him as an "ace" if not for the lack of gun cameras and the destruction by American

forces of military records to prevent them from falling into enemy hands. In late January 1942, during an emergency shortage of combat aircraft, Dyess demonstrated exceptional skill as a marksman and motivator as he led his ill-equipped and inexperienced squadron of airmen in infantry combat through the jungles of the Bataan Peninsula during the "Battle of the Points."

On February 8, 1942, Captain Dyess volunteered to lead America's first amphibious landing of World War II, at Agloloma Bay, to root out two enemy battalions that had entrenched themselves with orders from Japanese commanding General Masaharu Homma to wreak havoc behind the Filipino-American lines. Dyess was the first man ashore, selflessly exposing himself to enemy fire while engaging enemy positions with a Lewis machine gun and motivating his apprehensive 20-man force to join him. Amidst exploding bombs, Dyess and his party secured the beachhead using automatic weapons and hand grenades and eliminated approximately 75 heavily armed, elite Japanese troops who had fortified themselves in caves. The failure of General Homma's operation allowed American forces in the Philippines to hold out a few months longer, trapping enemy resources and giving America time to mobilize in the wake of the attack on Pearl Harbor.

On March 2, 1942, Dyess led nine pilots flying five battered warplanes in a daring raid on the enemy supply depot at Subic Bay, Luzon. Flying a Curtiss P-40 Warhawk rigged to carry 500-pound bombs, Dyess braved heavy antiaircraft fire, engaged an enemy cruiser, and ultimately destroyed one 12,000-ton transport, one 6,000-ton vessel, at least two 100-ton motor launches, and a handful of barges and lighters. In order to save face, Radio Tokyo reported that 54 bombers and swarms of fighter planes had been responsible for the attack. Dyess was presented with the Distinguished Service Cross, the second-highest military decoration that can be awarded, for the extraordinary heroism that he displayed on this occasion.

Although many officers began to shirk their duties and pull rank as the military situation deteriorated, Dyess worked hard to boost the morale of his men, cleaning cockpits and flying countless reconnaissance, resupply, and evacuation missions; he sometimes flew up to 1,400 miles through enemy skies to bring back desperately needed medicines and telegrams for his men.

Dyess refused multiple opportunities to leave the doomed Bataan Peninsula and endeavored to ensure others were evacuated before him; Dyess personally supervised the boarding of evacuees on the last flyable aircraft on Bataan; the final seat was reserved for Dyess himself, but at the last second he ordered a friend onto the plane in his stead.

After the surrender of 75,000 American and Filipino troops on Bataan on April 9, 1942, Dyess endured the most horrific war crime in the history of the United States, the Bataan Death March. Dyess watched as prisoners of war were denied water and medical care, beaten, beheaded, whipped, shot, buried alive, run over by tanks, and used for bayonet practice. Due to his height, fair complexion, and status as an officer, Dyess was singled out for mistreatment and suffered through savage beatings. Despite this, Dyess shepherded his men forward, helped the wounded, and noted the horrors taking place around him so that he could describe them in a firsthand account. for the next six months, Dyess endured starvation, disease, interrogation, and torture in two squalid prison camps on Luzon, where he continued to encourage and aid his fellow prisoners, smuggling food and medicine to those in need.

In November 1942, Captain Dyess arrived at the Davao Penal Colony, known as "Dapecol," a reportedly escape-proof prison plantation where 2,000 American prisoners of war were being forced to work as slave laborers. While at Dapecol, Dyess co-organized a team of United States military personnel to execute the

only large-scale prison break of prisoners of war in the Pacific War. Dyess volunteered for the dangerous task of transporting the escape party's gear on a bull cart past multiple guard checkpoints. On April 4, 1943, the "Davao Dozen," 10 American prisoners of war and two Filipino convicts, made their amazing escape through a deep, crocodile-infested swamp. After eluding search parties, Dyess fought alongside Filipino guerrilla forces behind enemy lines before evacuating to Australia in July 1943. Dyess received a promotion to major and was personally presented with his second Distinguished Service Cross, in the form of a Bronze Oak Leaf Cluster, by General Douglas MacArthur on July 30, 1943.

Dyess would have enjoyed a hero's welcome had his superiors not consigned him to a military hospital in the mountains of West Virginia, where he was subjected to secret debriefings by government officials. He was sequestered there because the government feared that his story, if released to the public, would jeopardize the "Europe First" strategic policy and Pacific prisoner of war relief efforts of the Allies. Despite suffering from depression and severe post-traumatic stress disorder, Dyess was determined to make his account of the Bataan Death March and other atrocities known to the public, and he entered into a publishing agreement with the Chicago Tribune. His epic story, trumpeted by the War Department as "The Greatest Story of the War in the Pacific," was eventually released on January 28, 1944, skillfully timed to harness the full fury of America's anger. Stagnant war bond sales and service enlistment numbers soared as Dyess's revelations forced America out of a mid-war complacency.

Lieutenant Colonel Dyess never lived to see his remarkable story take hold of America. During a routine flight over Los Angeles on December 22, 1943, his P-38 Lightning began to have engine trouble. Rather than bailing out and letting his plane careen into a crowded residential area, Dyess attempted an emergency city street landing, but he pulled up at the last moment to avoid hitting a motorist who had strayed into his path. While attempting to guide his crippled aircraft onto a vacant lot, he struck a church and was killed instantly when his plane crashed. Dyess was awarded the Soldier's Medal posthumously in recognition of a heroic act not involving an armed enemy. Dyess's family resisted the public's clamor for his interment at Arlington National Cemetery and instead buried him in his beloved home state in the Albany Cemetery. To this day, the only public recognition of Dyess and his incredible life was the renaming of Abilene Air Force Base to Dyess Air Force Base in 1956. This resolution:

Directs the governor of the State of Texas to award the Texas Legislative Medal of Honor posthumously to Lieutenant Colonel Ed Dyess in recognition of his extraordinary military service and remarkable succession of valorous acts in World War II.

Designating September 8 as Major Jefferson Van Horne Day—S.C.R. 33

by Senator Rodríguez—House Sponsor: Representative Blanco

On September 8, 1849, Major Jefferson Van Horne and a contingent of United States Army troops arrived in the vicinity of present-day El Paso to establish a post on the Rio Grande, the first American military encampment in an area that has hosted United States armed forces now for more than a century and a half.

A native of Bucks County, Pennsylvania, Jefferson Van Horne was born to Dorothy Johns Marple Van Horne and General Isaac Van Horne, a veteran of the American Revolution. Following the family tradition of military service, he graduated from the United States Military Academy at West Point in 1827 and upheld its motto of "Duty, Honor, Country" throughout his life.

His early assignments included frontier duty at Jefferson Barracks in Missouri and a tour at Fort Smith, Arkansas. From 1846 to 1848, he served his country in the Mexican War, and his distinguished efforts earned him promotion to the rank of major.

While on leave in his hometown of Zanesville, Ohio, Jefferson Van Horne met Mary Gilbert, and after exchanging romantic letters for two years, the couple were married on November 28, 1850, and had one son, Lewis Cass Van Horne.

In May 1849, Major Van Horne was instructed to establish a military post on the north bank of the Rio Grande, opposite what is now Ciudad Juarez, for the purpose of protecting both settlers in the area and travelers bound for California from Indian attack. He departed Camp Salado, on the outskirts of San Antonio, on June 1, commanding regimental staff, six companies of the Third Infantry, and a howitzer battery. His party of nearly 260 soldiers was accompanied by some 100 civilians who played a supporting role.

With 275 wagons, the expedition represented the longest wagon train to embark westward across Texas. After 100 days and a 643-mile overland march, Major Van Horne and his men reached their destination on September 8, 1849. Major Van Horne subsequently quartered four companies at Coon's Rancho, where downtown El Paso now stands, and sent two companies to garrison the old Spanish presidio at San Elizario, 20 miles to the southeast.

In September 1851, the War Department closed both the post at Coon's Rancho and the presidio and ordered Major Van Horne and most of his troops to Fort Fillmore, 40 miles north of El Paso, near Mesilla, New Mexico. Major Van Horne had recruiting duty from 1852 to 1854, and between 1855 and 1857 he served at Fort Stanton, New Mexico, and at the Post of Albuquerque. He died in Albuquerque on September 26, 1857.

A new army post was established on the site of present-day El Paso in January 1854, and in March of that year it was named Fort Bliss after Lieutenant Colonel William Bliss, a career army officer and an accomplished scholar who was also the son-in-law of President Zachary Taylor. The fort acquired a permanent location in El Paso in 1893.

The post that Major Jefferson Van Horne established at the site of present-day El Paso served to protect a vital route for a dynamic and burgeoning nation pushing westward and marked the beginning of a long and close association between the United States military and the people of El Paso, and it is indeed fitting that the anniversary of his arrival at the Pass of the North be commemorated. This resolution:

Designates September 8 as Major Jefferson Van Horne Day in the State of Texas.

Provides that this designation remain in effect until the 10th anniversary of the date this resolution is finally passed by the legislature.

VETO STATEMENTS FOR BILLS VETOED BY GOVERNOR GREG ABBOTT

H.B. 184 (Dale et al.; SP: Schwertner) Relating to the allocation of costs and attorney's fees incurred by a Court of Inquiry. **Reason for veto**: "Courts of inquiry are criminal proceedings initiated by a local district judge. Current law appropriately requires the costs of these proceedings to be borne by the county where they take place, just as the costs of other criminal proceedings are largely borne by counties. Because the decision to conduct a court of inquiry rests with a local district judge, it makes sense for the costs of the proceeding to be borne at the local level. House Bill 184 would inappropriately shift these costs to the State in certain cases."

H.B. 225 (Guillen et al.; SP: Watson and West) Relating to the prescription, administration, and possession of certain opioid antagonists for the treatment of a suspected overdose and a defense to prosecution for certain offenses involving controlled substances and other prohibited drugs, substances, or paraphernalia for defendants seeking assistance for a suspected overdose. **Reason for veto**: "H.B. 225 has an admirable goal, but it does not include adequate protections to prevent its misuse by habitual drug abusers and drug dealers. Although my office suggested amendments to this legislation that would have eliminated the bill's protections for habitual drug abusers and drug dealers while maintaining protections for minors and first-time offenders, those amendments were not adopted during the legislative process. Consequently, it was necessary to veto this bill."

H.B. 499 (Guillen; SP: Garcia) Relating to the public transportation advisory committee. **Reason for veto**: "House Bill 499 unnecessarily limits the field of candidates available for appointment to the Public Transportation Advisory Committee by the Governor, Lieutenant Governor, and the Speaker of the House. The bill also guarantees committee members a term of six years, which eliminates the appointing officers' ability to replace members at any time for poor performance. The appointment limitations in House Bill 499 would impede the appointing officers' ability to provide effective committee members to serve Texas."

H.B. 973 (Hernandez and Coleman; SP: Garcia) Relating to the compensation and per diem compensation of emergency services commissioners in certain counties. **Reason for veto**: "Emergency services districts provide necessary fire and EMS services to unincorporated areas of the state. The commissioners who run these districts on a part-time basis receive modest compensation that is set by statute and is uniform throughout the state. House Bill 973 would more than double the compensation for commissioners in Harris County while leaving all other commissioners throughout the state under the existing compensation limits. This would be an unnecessary expenditure of taxpayer money and an inappropriate departure from the uniform statewide compensation limits currently in effect."

H.B. 1015 (Canales; SP: Hinojosa) Relating to notice provided to a court regarding certain defendants placed on state jail felony community supervision. **Reason for veto**: "House Bill 1015 requires the Texas Department of Criminal Justice to notify the sentencing court of the date on which a defendant convicted of a state jail felony will have served 75 days in a correctional facility. This mandated notification adds needless administrative bureaucracy to seemingly encourage a judge to exercise discretionary authority to grant 'probation' to certain convicted felons, thereby shortening the offender's time in prison. Issuing potential early release reminders should not be the mandated responsibility of the Department of Criminal Justice. This duty has been already properly placed where it belongs: on the judges and attorneys taking part in the original criminal proceeding. Furthermore, House Bill 1015 has the potential to inappropriately increase the number of convicted felons granted early probation. Crime victims and the public deserve better."

H.B. 1119 (Hernandez; SP: Garcia) Relating to a study assessing the statewide need for the replacement of mile markers on certain highways. **Reason for veto**: "The Texas Transportation Code requires the Texas Department of Transportation to maintain a safe and efficient highway system. Pursuant to this statutory obligation, TxDOT has promulgated rules that require maintenance of 'normal markings and signs necessary for directing highway traffic in a safe and efficient manner.' Existing law already gives TxDOT the authority to study the signs on our highways and take remedial action where appropriate, so House Bill 1119 is unnecessary. Additional laws and studies are not needed to address issues that the law already accommodates."

H.B. 1363 (Johnson et al.; SP: Whitmire) Relating to the prosecution of and punishment for the offense of prostitution; creating a criminal offense. **Reason for veto**: "House Bill 1363 provides useful tools for courts when distinguishing between the offenses of prostitution and soliciting the services of a prostitute. This is a supportable goal, however this bill also reduces penalties for individuals convicted of prostitution on multiple occasions. Reducing penalties for willful repeat offenders is not in the best interest of the offender or the people of Texas. A better option for addressing the difference between prostitution and soliciting the services of a prostitute is Senate Bill 825, which does more to protect the victims of human trafficking and forced prostitution."

H.B. 1628 (Johnson et al.; SP: Schwertner) Relating to authorizing a credit union or other financial institution to conduct savings promotion raffles. **Reason for veto**: "The Texas Constitution authorizes raffles to be conducted only for charitable purposes. When non-charitable businesses conduct drawings, they typically allow entry with 'no purchase necessary,' which generally exempts the drawing from the constitutional restrictions on raffles or lotteries. House Bill 1628 authorizes banks and credit unions to conduct raffles in which raffle tickets are offered only in exchange for opening a savings account. Opening an account and paying any customary fees associated with the account amounts to consideration paid for the raffle ticket and places such a raffle squarely within the gambling prohibitions of the Texas Constitution and Penal Code. The bill would therefore require a conforming constitutional amendment in order to be effective. No such constitutional amendment was proposed by the Legislature."

H.B. 1633 (Romero, Jr.; SP: Uresti) Relating to application and notification requirements for a permit to drill an oil or gas well in or near an easement held by the Texas Department of Transportation. **Reason for veto**: "Oil and gas companies are already required to report the location of their wells to the State, via the Texas Railroad Commission. The problem House Bill 1633 seeks to solve is that the Texas Railroad Commission and the Texas Department of Transportation do not communicate effectively with one another when an oil and gas producer asks the Railroad Commission for a permit to drill near a right-of-way owned by TxDOT. Instead of requiring these two state agencies to work more effectively together, House Bill 1633 thrusts a new and unnecessary hurdle onto oil and gas producers to solve the State's internal communication challenges. It is within the existing power of the two state agencies to solve this problem, and they should do so."

H.B. 1855 (Rose; SP: Whitmire and Rodríguez) Relating to training, continuing education, and weapons proficiency standards for correctional officers employed by the Texas Department of Criminal Justice. **Reason for veto**: "Texas rightly holds its state correctional officers to the highest standards of professional excellence. The Texas Department of Criminal Justice meets those standards through numerous training and continuing education programs, including training for mental health crisis intervention. TDCJ must continue those efforts. House Bill 1855 unnecessarily micromanages the state prison system by requiring

officers to meet rigid and arbitrary training and education quotas. TDCJ should retain the flexibility to adjust its training and education methods and requirements to meet the prison system's evolving needs."

H.B. 2068 (Coleman and Walle; SP: Garcia) Relating to automatic employee participation in and administration of a deferred compensation plan provided by certain hospital districts. **Reason for veto**: "House Bill 2068 provides for the automatic enrollment of hospital district employees in a retirement plan at a contribution level of one percent unless the employee elects not to participate. Studies have shown, however, that automatic enrollment at a very low contribution percentage actually ends up reducing employees' overall retirement savings. This is because automatically enrolled employees are unlikely to voluntarily elect to contribute more than the automatic contribution. If required to choose a contribution amount, fifty employees will select an amount much greater than the automatic contribution. *See* Ryan Bubb & Richard H. Pildes, *How Behavioral Economics Trims Its Sails And Why*, 127 Harv. L. REV. 1593, 1609 (2014) ("[I]n practice these programs appear to reduce overall retirement savings."); see also Eleanor Laise, *Automatic 401(k) Plans Might Not Save Enough*, Wall Street Journal (Jan. 8, 2008). One of the largest retirement plan administrators in the country has reported that between 2007 and 2011, the percentage of plans using automatic enrollment—usually with a default contribution of three percent—nearly doubled, while overall retirement savings rates declined. Vanguard, How America Saves 2012, at 29 fig. 3l (2012) (attributing this decline in part "to the growing use of automatic enrollment and the tendency of participants to stick with the default deferral"). Thus, House Bill 2068 would likely undermine its stated goal of increasing retirement savings and investment returns."

H.B. 2084 (Múnoz, Jr.; SP: Hinojosa and Rodríguez) Relating to transparency in the rate-setting processes for the Medicaid managed care and child health plan programs. **Reason for veto**: "Managed care organizations (MCOs) are paid by the taxpayers to insure Texas's Medicaid population. The rate the State pays MCOs per Medicaid recipient is determined in large part by federal law, but there is substantial room for negotiation. Both the state and the MCOs conduct internal actuarial analyses that are critical to the rate-setting process. The Texas Health and Human Services (HHSC) represents the taxpayer in rate negotiations with MCOs. House Bill 2084 would require HHSC to reveal the details of the internal actuarial analysis it uses when negotiating rates on behalf of the State. This would hamper HHSC's ability to negotiate for the best possible rate. Billions of dollars in taxpayer funds are at stake. Where there is room for negotiation, HHSC should have all available tools at its disposal to protect Texas taxpayers."

H.B. 2100 (Hernandez; SP: Garcia) Relating to the creation of the East Houston Management District; providing authority to issue bonds; providing authority to impose assessments, fees, or taxes. **Reason for veto**: "Determining the boundaries of new taxing districts should be a fair and transparent process. The boundaries of the management district created by House Bill 2100 received particular attention during legislative deliberations. In particular, questions were raised regarding the exclusion of certain large parcels from the district."

H.B. 2282 (Guillen; SP: Uresti) Relating to the procedures for protests and appeals of certain ad valorem tax determinations. **Reason for veto**: "The Texas Tax Code allows all property owners in Texas to bring an appeal in district court to challenge an appraisal district decision regarding their property. These appeals are important matters for property owners, who deserve a fair and predictable process by which to challenge the actions of appraisal districts. House Bill 2282 departs from the uniform, statewide rules governing appraisal appeals by allowing property owners in just one of the State's 254 counties to file their appeals with a justice of the peace instead of a district court. Unlike district courts, justices of the peace generally do not serve an entire county; instead they serve a particular geographic district within the county.

Yet House Bill 2282 would allow property owners to choose any justice of the peace in the county to hear their appeal. This would invite forum shopping and would allow a justice of the peace to make rulings about property in a part of the county he or she does not represent."

H.B. 2381 (Reynolds; SP: Rodríguez) Relating to the appointment and duties of election officers. **Reason for veto**: "The Election Code allows the county chairs of each major political party to select election judges to represent the political party at polling places, subject only to the county commissioners court's review of the legal eligibility of the county chairs' selections. House Bill 2381 would enable partisan county clerks to override the selection of the party county chair in some cases. The selection of a political party's representative at a polling place should be left to party leadership and should not be subject to any influence by elected county clerks whose interests may not align with the party's interest. Other sections of House Bill 2381 contain reforms that would be worthy of reconsideration by the next Legislature."

H.B. 2466 (Collier and Guillen; SP: Eltife) Relating to the creation of a safety reimbursement program for employers participating in the workers' compensation system. **Reason for veto**: "One way for government to grow is by the addition of large, high-profile new state programs. That kind of government growth is easy to spot and relatively simple to guard against. Perhaps more often, however, government growth takes place through the accumulation over time of many small additions to the bureaucratic state. Each one may seem like a benign, low-cost effort to address discrete problems thought to be facing society. But when viewed together, they amount to a massive expansion of the size, scope, and cost of government. Once in place, these programs tend only to get bigger and more costly. Many people come to rely on or become financially interested in the program's continued existence, which makes it difficult to reduce in size, much less eliminate. House Bill 2466 creates just such a program. Texas has been doing pretty well without a safety reimbursement program run by the Department of Insurance. To stay strong, we should resist the needless growth of government even in small ways."

H.B. 2647 (Ashby et al.; SP: Estes) Relating to a limitation on the authority to curtail groundwater production from wells used for power generation or mining. **Reason for veto**: "Texas landowners have a constitutionally protected right to access the groundwater under their property. Government action affecting that vested right must be based only on very careful deliberation, which ideally should take place at the local level based on local needs and concerns. Statewide groundwater rules are less able to take vitally important local interests into account. Under current law, local groundwater conservation districts have the ability to implement specific management strategies, such as curtailment, that prioritize certain users as deemed appropriate after local deliberation. House Bill 2647 eliminates local discretion by mandating the preferential treatment of certain types of groundwater use over other important uses. If one class of landowners is automatically exempt from curtailment, others will have to bear an unequal burden when water is scarce. Enshrining in state law the rule that groundwater conservation districts will give priority to one class of water users could result in the abridgement of other users' groundwater rights. Groundwater management should be based on sound science and public input at the local level, not on one-size-fits-all state mandates like House Bill 2647."

H.B. 2775 (Eddie Rodriguez; SP: Zaffirini) Relating to a petition filed in connection with an application for a place on the ballot. **Reason for veto**: "The Election Code requires those seeking a place on the ballot for certain races to submit to the Secretary of State a petition containing signatures of registered voters who support the candidacy. House Bill 2775 would allow candidates who submit deficient petitions to update their petitions in a piecemeal fashion, rather than requiring the submission of a single, legally compliant petition. This could increase the risk of erroneous or fraudulent petitions. To the extent there are concerns

about the Secretary of State's current policies on candidate petitions, the Legislature should work with the Secretary of State's office to address this issue in the next session."

H.B. 2788 (Springer and Frank; SP: Perry) Relating to the authority of a retail public water utility to require an operator of a correctional facility to comply with water conservation measures. **Reason for veto**: "Texas' prison system and the many county-level correctional facilities across the state should seek to conserve water whenever doing so is consistent with their core purpose—the secure and lawful incarceration of inmates. While water conservation is a worthy goal, House Bill 2788 goes too far by subjecting prisons and jails to the conservation mandates of local water utilities that do not share the correctional facilities' penological mission. Ceding control of the state's correctional facilities' water use to local water utilities creates the potential for interference with a core function of government. If the legislature wishes to require prisons and jails to use less water, it should do so directly rather than outsourcing the decision to local water utilities. Moreover, this bill would mandate unfunded costs on state and local correctional facilities. Any savings touted through reduced water consumption can, and should, be realized today through prudent water conservation measures that are not driven by regulation."

H.B. 2826 (Murphy et al.; SP: Huffman) Relating to the eligibility of certain property located in multiple school districts for a limitation on appraised value for school district maintenance and operations ad valorem tax purposes under the Texas Economic Development Act. **Reason for veto**: "Chapter 313 of the Tax Code allows for certain businesses to negotiate with school districts for lower appraisal valuations and, as a result, lower school property taxes. While the program may sometimes have a positive impact on local economic development, serious concerns exist about its oversight, its transparency, and its value to the taxpayers. According to a 2013 report by the Comptroller's Office, Chapter 313 cost the taxpayers $341,363 for every new job created by the program. The Comptroller estimates that House Bill 2826 will ultimately cost State taxpayers $100 million per biennium. I cannot support expansion of an incentive program that has not been proven to deliver the value taxpayers deserve."

H.B. 2830 ("Mando" Martinez and Springer; SP: Hinojosa) Relating to the duty of a county to refund an amount of $2 or less paid to the county clerk or district clerk. **Reason for veto**: "House Bill 2830 allows counties to refuse to refund to taxpayers amounts less than two dollars unless the person owed the refund requests it in writing. Placing this burden on the person owed the money will cause the vast majority of small refunds never to be paid. That is unacceptable. Citizens are legally entitled to any money owed them by the government, no matter how small the amount."

H.B. 3043 (Senfronia Thompson; SP: Garcia) Relating to the licensing and regulation of a journeyman lineman. **Reason for veto**: "State licensure of occupations in many cases impedes free market competition and drives up the costs of services for consumers. Texas law currently allows for the licensure of journeymen linemen. Only 33 individuals have applied for the license since it was authorized in 2013. Current law does not require a license in order to conduct journeyman lineman work, nor should it. The license serves no imperative public purpose, requires unnecessary government bureaucracy, and creates the potential for unionized workers to artificially increase prices for consumers. House Bill 3043 is an attempt to increase the number of applicants seeking to be licensed and regulated by the state for conducting lineman work. This would only increase the potential for the license to be used in an anti-competitive manner. Raising the barriers to entry into an occupation should be avoided whenever possible."

H.B. 3060 (Anchia; SP: West) Relating to functions of a municipal building and standards commission panel. **Reason for veto**: "Local governments generally should have flexibility to respond to local concerns, including the need to conserve water. House Bill 3060 goes too far, however, by granting broad authority to local enforcement commissions to interfere with private property rights. Lawn-watering restrictions can already be enforced by fines. The additional enforcement authority provided by this bill would allow the government to insert itself too deeply into what a private property owner chooses to do on his or her own land. Local governments already have sufficient tools at their disposal to encourage their residents to use less water."

H.B. 3184 (McClendon et al.; SP: Menéndez) Relating to the establishment, operation, and funding of victim-offender mediation programs; authorizing fees. **Reason for veto**: "Mediation is a process available in civil lawsuits by which parties can work out their disputes without using courts. House Bill 3184 imports the civil law process of mediation into criminal law, allowing for mediation between the victim of the crime and the criminal to take the place of prosecution by the State, even in some violent felony cases. This 'victim-offender mediation' leaves out a key party in criminal litigation—the State of Texas. Criminal indictments in Texas allege that a crime has been committed 'against the peace and dignity of the State.' The State, not the victim of crime, brings criminal litigation against the defendant. And while prosecutors do seek justice for victims, their primary duty is to represent the broader public interest in deterring and punishing crime for the good of all Texans. Making amends with the victim of a crime does not absolve the criminal of his legal debt to the State. Mediation is not well-suited to the criminal context and should be reserved for civil cases."

H.B. 3193 (Bernal; SP: Menéndez) Relating to consideration of location of an offeror's principal place of business in awarding certain municipal contracts. **Reason for veto**: "I previously vetoed Senate Bill 408, explaining that government has an obligation to spend no more of the taxpayers' money than necessary. The practice of competitive bidding forces government officials to put the taxpayers' interests ahead of any temptation to steer the people's business to favored vendors. House Bill 3193 would allow the City of San Antonio, and only that City, to reject the best bid and instead spend more money on a San Antonio-based vendor. Like Senate Bill 408 before it, House Bill 3193 improperly relieves government officials of their duty to seek the best possible value for the taxpayers. The bill is made worse because it creates different rules for different cities without any legitimate reason to do so."

H.B. 3291 (Raymond; SP: Zaffirini and Uresti) Relating to transactions involving oil, gas, or condensate; creating a criminal offense. **Reason for veto**: "Theft of oil and gas is a serious problem facing one of our state's most vital industries. Those responsible should be prosecuted to the fullest extent of the law. I support increasing the criminal penalties for these crimes. And I support providing prosecutors with new tools targeted at theft of oil and gas. House Bill 3291 shares these goals, but unfortunately its overly broad language creates severe criminal penalties for conduct that may have nothing to do with theft of oil and gas. For example, the bill would make it a second-degree felony to possess, purchase, or sell oil or gas without the proper Railroad Commission permit. Under current law, such a violation results only in a civil fine—like most other violations of state permitting rules. But under House Bill 3291, the penalty for not having the appropriate Railroad Commission paperwork could be as much as 20 years in prison. And because the crime created by the bill requires only a reckless mental state, a felony conviction could be obtained even if the defendant did not know his paperwork was out of order. Turning paperwork errors into felonies is not the right solution to the very real problem of oil and gas theft."

H.B. 3390 (Larson; SP: Perry) Relating to a written agreement concerning a projectile discharged from a firearm that travels across a property line; amending a provision subject to a criminal penalty. **Reason for veto**: "Under current law, it is already a crime for hunters to fire across a property line unless the hunter owns both plots of land or has a written agreement with the property owner on either side of the property line. House Bill 3390 would require expanded agreements that contain more of the hunter's personal information. These new requirements could result in increased prosecution of hunters who are attempting to comply with the law but are not aware the law has changed. There are already severe criminal and civil penalties for the dangerous discharge of a firearm. Increased regulation of hunters is not necessary."

H.B. 3511 (Sarah Davis; SP: Huffman) Relating to the contents of financial statements filed by certain persons; adding a provision subject to criminal penalties. **Reason for veto**: "Texans deserve accountability and transparency from their public officials. House Bill 3511 weakens the ethics laws governing officeholder financial disclosures. I cannot allow that."

H.B. 3579 (Alonzo et al.; SP: Rodríguez) Relating to certain criminal history record information; authorizing a fee. **Reason for veto**: "I previously signed Senate Bill 1902, which increases the ability of those who have been convicted of misdemeanors to have their criminal records sealed from public disclosure. The purpose of that legislation is to expand the employment prospects of individuals whose minor criminal records may be unduly limiting their ability to pursue an honest living. House Bill 3579 has a similar goal, but it goes too far by allowing courts to expunge dismissed criminal charges—including serious felony charges—even when the defendant was convicted of other, related charges. This would be problematic for two reasons. First, dismissal of a criminal charge is not necessarily an indicator of the defendant's innocence of that crime, particularly when a multicharge arrest results in a plea agreement. Second, unlike orders of non-disclosure, which seal records from public view, expunction seals the records even from law enforcement. Under House Bill 3579, even those convicted of serious felonies could have parts of their criminal record expunged. This would deprive law enforcement of information about the offense history of habitual criminals, which may be useful in the investigation of future crimes."

H.B. 3736 (Sarah Davis and Fallon; SP: Huffman) Relating to conflicts of interest by members of state agency governing boards and governing officers; creating a criminal offense. **Reason for veto**: "At the beginning of this legislative session, I called for meaningful ethics reform. This legislation does not accomplish that goal. Provisions in this bill would reduce Texans' trust in their elected officials, and I will not be a part of weakening our ethics laws. Serious ethics reform must be addressed next session—the right way. Texans deserve better."

H.B. 4025 (Keffer and Guillen; SP: Uresti and Zaffirini) Relating to funding to counties for transportation infrastructure projects located in areas of the state affected by increased oil and gas production, including money from county energy transportation reinvestment zones. **Reason for veto**: "In the 2011 statewide election, the voters of Texas rejected a constitutional amendment that would have given counties the authority to create tax-increment reinvestment zones. The Legislature's attempts to confer this authority on counties without a constitutional amendment have been found by three separate Attorney General opinions to violate Article VIII, Section 1(a) of the Texas Constitution. House Bill 4025, in part, is an attempt to do what the Texas Constitution and multiple Attorney General opinions prohibit. If the Legislature wants counties to have the authority to create tax-increment reinvestment zones, it must again ask the voters to

amend the Constitution."

H.B. 4103 (Guillen; SP: Garcia) Relating to oaths and affirmations of certain judges of municipal courts. **Reason for veto**: "The Texas Constitution requires all elected or appointed officers to take the following oath: 'I, _____ do solemnly swear (or affirm), that I will faithfully execute the duties of the office of _____ of the State of Texas, and will to the best of my ability preserve, protect, and defend the Constitution and laws of the United States and of this State, so help me God.' The oath is commonly re-taken when an existing officeholder begins a new term. House Bill 4103 would exempt municipal judges from the need to take the oath for a subsequent term of office. Judges, of all offices, should never be excused from the obligation to swear to preserve, protect, and defend the Constitution."

H.C.R. 84 (Clardy; SP: Nichols) Commending mental health professionals on the occasion of National Mental Health Month. **Reason for veto**: "I agree with the Legislature's statements, expressed in House Concurrent Resolution No. 84, regarding the importance of good mental health for all Texans. However, Article III, Section 30 of the Texas Constitution requires all laws to be passed as bills. New law cannot be made by concurrent resolution. Because House Concurrent Resolution No. 84 purports to direct the actions of state agencies in the manner of a law, it goes beyond the proper bounds of a concurrent resolution."

S.B. 130 (West; SP: Canales and Alonzo) Relating to the eligibility of criminal defendants for an order of nondisclosure; authorizing a fee. **Reason for veto**: "After convicted criminals complete their sentences and repay their debts to society, their criminal records do not disappear. The reality for some individuals who have been charged with relatively minor crimes is that their records can follow them forever, making it difficult for them to find employment and reintegrate into society. That is why I previously signed into law Senate Bill 1902, which authorizes courts in limited circumstances to seal the records of certain first-time misdemeanor offenders, to ensure that a minor criminal record is not a road block to an individual becoming a productive member of society even decades later. But the State's interest in reintegrating one-time, petty offenders must be balanced with an employer's right to know what they are getting when they make a hire. Senate Bill 130 goes too far because it would permit individuals who have committed even serious felonies (including crimes like manslaughter, arson, enticing of a child, and improper photography of a minor) to hide their heinous acts from employers. And it places no limits on the number of times repeat offenders can attempt to erase their past."

S.B. 313 (Seliger; SP: Aycock) Relating to the essential knowledge and skills of the required public school curriculum, the administration of and reports relating to assessment instruments administered to public school students, the instructional materials allotment, and proclamations for the production of instructional materials. **Reason for veto**: "While Senate Bill 313 is intended to provide additional flexibility to school districts when purchasing classroom instructional materials, the bill potentially restricts the ability of the State Board of Education to address the needs of Texas classrooms. Portions of Senate Bill 313 may have merit, but serious concerns were raised about other parts of the bill. I look forward to working with the Legislature and other stakeholders to ensure this issue is vigorously evaluated before next Session."

S.B. 359 (West and Huffman; SP: Workman) Relating to the authority of a peace officer to apprehend a person for emergency detention and the authority of certain facilities and physicians to temporarily detain a person with mental illness. **Reason for veto**: "The Fourth, Fifth, and Fourteenth Amendments to the United States Constitution limit the state's authority to deprive a person of liberty. Under our constitutional tradition, the power to arrest and forcibly hold a person against his or her will is generally reserved for officers of the law acting in the name of the people of Texas. By bestowing that grave authority on private

parties who lack the training of peace officers and are not bound by the same oath to protect and serve the public, Senate Bill 359 raises serious constitutional concerns and would lay the groundwork for further erosion of constitutional liberties. Medical facilities have options at their disposal to protect mentally ill patients and the public. Many hospitals already keep a peace officer on site at all times. For smaller facilities, law enforcement are always just a phone call and a few minutes away. Medical staff should work closely with law enforcement to help protect mentally ill patients and the public. But just as law enforcement should not be asked to practice medicine, medical staff should not be asked to engage in law enforcement, especially when that means depriving a person of the liberty protected by the Constitution."

S.B. 408 (Rodríguez and West; SP: Blanco) Relating to consideration of a bidder's principal place of business in awarding certain county contracts. **Reason for veto**: "Government has an obligation to spend no more of the taxpayers' money than necessary. All government contracts should be competitively bid, and the vendor who offers the best value to the taxpayers should be chosen every time. Senate Bill 408 would authorize counties to reject the best bid and instead spend five percent extra in order to select an in-county vendor. The needs of taxpayers should come before the needs of government or vendors. County governments should focus on protecting the public fisc—not steering business to local vendors who are not offering the value the taxpayers deserve."

S.B. 496 (Watson; SP: Howard) Relating to Foundation School Program funding for certain students. **Reason for veto**: "Currently, a school district can apply to the Texas Education Agency and request permission to offer a flexible school day program for the district's at-risk students. As filed, Senate Bill 496 addressed the financing of these programs. I am supportive of the original intent of the legislation; therefore, I have signed the bill's companion legislation, House Bill 2660. Unfortunately, an objectionable piece of legislation that did not ultimately pass on its own merit was added to Senate Bill 496 and significantly changed the bill's focus. Senate Bill 496 was amended to allow a school district to establish a flexible school day for entire campuses without approval from the Texas Education Agency. Allowing districts to drastically change the school calendar without TEA approval could cause unanticipated and untenable problems."

S.B. 1032 (Watson and West; SP: Israel) Relating to authority for certain state employees to work flexible hours and to work from home or other authorized alternative work sites. **Reason for veto**: "Under current law, state employees are authorized to maintain flexible work schedules—including work from home, where appropriate—if the head of their state agency provides written approval. This policy provides flexibility for those employees who need it while imposing management controls that minimize the potential for abuse of these privileges. Senate Bill 1032 takes this process further and would allow an employee's immediate supervisor, rather than the agency head, to authorize flexible schedules and work from home. This would result in reduced accountability, inconsistent application, and greater potential for abuse. The bill's provisions regarding overtime and compensatory time earned away from the office are also problematic. Authorizing employees to earn overtime or compensatory time for work performed at home raises legitimate record-keeping and management concerns."

S.B. 1034 (Rodríguez and Bettencourt; SP: Rick Miller) Relating to voting by mail, including the cancellation of an application for a ballot to be voted by mail. **Reason for veto**: "The integrity of the vote-by-mail process must be strengthened, not called into question. Amendments added to Senate Bill 1034 late in the legislative process would create confusion as to how counties should administer mail-in ballot applications. To ensure this important matter is addressed with the clarity it deserves, the Legislature

should reconsider the issue and eliminate the uncertainty and ambiguity contained in this bill."

S.B. 1408 (Lucio and Zaffirini; SP: Tracy O. King) Relating to the establishment of a matching grant program for community development in certain municipalities and counties. **Reason for veto**: "Senate Bill 1408 creates new authorities to issue state funds to local units of governments similar to, and in some cases identical to, grants already made under the federal Community Development Block Grant program. The stated intent of the new programs is to offset reductions in federal funding with new state funding. Our federal government's addiction to spending Texas taxpayer dollars must be brought under control, and when it is, the State of Texas should not find ways to tax our citizens to continue funding services our federal elected officials have deemed worthy of curtailing."

S.B. 1655 (West; SP: Morrison) Relating to Texas Higher Education Coordinating Board fees for the administration of certificates of authorization and certificates of authority issued to certain postsecondary educational institutions; authorizing fees. **Reason for veto**: "The Texas Higher Education Coordinating Board already has the legal authority to perform the services described in Senate Bill 1655. The primary purpose of the bill is to raise more revenue for the Board by creating new fees that will ultimately be paid for by students through increased tuition. These fees would be unnecessary burdens on institutions of higher education and their students. The Board should operate within its existing resources."